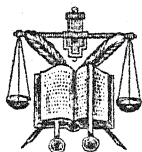


DELEGATION OF SERVICES  
WITHIN COUNTIES

A FACTUAL SURVEY

INSTITUTE OF MUNICIPAL TREASURERS AND  
ACCOUNTANTS (INCORPORATED)



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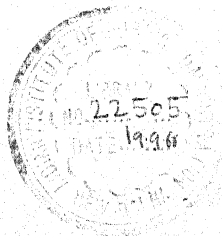
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DELEGATION OF SERVICES  
WITHIN COUNTIES

A FACTUAL SURVEY

BY

J. R. SAMPSON, F.I.M.T.A., A.S.A.A.  
(County Treasurer, Staffordshire)





*The Institute as a body is not responsible for, or necessarily in agreement with, the opinions expressed by the authors of research studies.*

**1947**

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## FOREWORD

Observers of local government are agreed that the duties of local authorities having been materially altered by post-war legislation, some adjustments in the status, scope and areas of authorities, will be inevitable during the next few years. One of the devices which should be examined by those who formulate the new pattern of local government should be that of delegation of work from a county council to a local council. Such delegation is not new, for existing local government law gives to county councils considerable powers of delegation and allows a deal of latitude in the exercise of the powers. The law has thus made possible a variety of experiments with delegation, the results of which should be made available to future legislators. Allied to delegation from one authority to another, there is the devolution in counties to district committees. This too is permitted by the statutes. Present practice would need to be examined from the point of view of responsiveness to local needs, administrative efficiency and conformity to the general structure and spirit of local government. The viewpoints of the members of the public, central government departments, members of local authorities, local officials and users or consumers would all be relevant. The last named are important ; for instance what is the opinion of outside advertisers of the merits of delegation to district councils of the immediate control of advertising ?

In the belief that the first stage in any study of delegation or devolution would be a factual survey of current practice, the Council of the Institute agreed to sponsor an enquiry by Mr. J. R. Sampson, County Treasurer of Staffordshire. The following pages are the results of his investigations.

Clearly much work and thought have gone into the present book. Before Mr. Sampson could start his study of this uncharted field,

he had to classify existing practices. He had then to collect, summarise, arrange and set out the mass of information given in the following pages. Having completed the factual survey, Mr. Sampson has added a chapter in which he examines the way in which the principles of delegation have been applied, and considers the devolution of financial responsibility. How well he has done his work, every reader can gauge.

The Council of the Institute are immensely grateful to Mr. Sampson for undertaking this pioneering and somewhat tedious task. If the study encourages others to attempt to appraise the results of the methods which Mr. Sampson describes, and to consider the possibilities of delegation for the future, both he and the Institute will feel that his vast labour has not been in vain.

A. H. MARSHALL,

*Vice-President of the Institute of Municipal  
Treasurers and Accountants (Incorporated)*

## INTRODUCTION

Over quite a long period a great deal has been said in a great many places and by a variety of official bodies and individuals about the principles and the merits and demerits of delegation of county council services. It is somewhat surprising, therefore, that comparatively little is known of the extent to which such delegation has been applied throughout the various counties in England and Wales, and of the administrative and financial methods which operate in those counties which have decentralised the detailed administration of some, if not all, of their major services.

In October, 1947, Mr. B. Hyde Harvey issued a most interesting and detailed report under the auspices of the Institute of Municipal Treasurers and Accountants. This summarised in a comprehensive manner the results of his enquiries covering ten administrative counties and the observations of the financial officers of fifteen selected county district councils. In that report the author indicated that, in one sense, the enquiry was premature because many counties were unable at that stage to give very much information on their proposals with regard to health services.

Since that date there have been many developments which have affected the various major services of county councils, including that of the Local Health service, the growth of the Welfare and Children services, the greater insistence upon Town and Country Planning and the reintroduction of Civil Defence.

It was doubtless for these reasons that some time ago the Institute suggested that it might be appropriate to undertake further research on this subject, with particular reference to the degree to which the delegation of functions had been applied over selected counties and the administrative and financial aspects of the various schemes of delegation.

During recent months the Institute of Public Administration have issued a report by Miss Emmeline Cohen entitled "Autonomy and Delegation in County Government" which is a study of delegation in Education and Local Health administration based upon a personal field investigation carried out by the author. This thought provoking report deals principally with the relationship between the county authority and the *ad hoc* bodies established upon the coming into operation of the Education Act, 1944, and the National Health

Service Act, 1946. It illustrates certain differences of opinion as to what the proper relationship should be and how far the actions of Excepted Districts, Divisional Executives and Divisional Health Committees and of their officers should be subject to central direction by the county council. The study seeks to stress the essential distinction between delegation and agency and outlines many of the divergencies of view which exist between *ad hoc* bodies and the county authorities, more particularly in the education service.

The main purpose of this factual review, however, is to present a picture of what is happening in fairly representative counties of England and Wales, with particular reference to the administrative and financial aspects of delegation. No attempt has been made to argue a case for or against the delegation of particular county services nor even to comment upon the advantages and disadvantages of delegation to county district councils as distinct from devolution to *ad hoc* bodies. Except in the case of one table, which illustrates the extent of the delegation of highway functions, the anonymity of counties has been preserved as it is obviously not possible to indicate the many reasons and local circumstances which so largely explain the considerable variations of procedure within the individual counties.

In order to make the review as comprehensive as possible within its prescribed limits, the opening chapter portrays the "theory" of delegation and reproduces certain general principles which have been expressed by the Local Government Boundary Commission and the Local Government Side of the Manpower Committee. The courtesy of H.M. Stationery Office in agreeing to the reproduction of the expressed views of these bodies is appreciated.

Throughout the review and particularly in the closing chapter, an attempt has been made to summarise the factual position and, in particular, to show how the actual delegation arrangements for the various county services conform to or differ from the specific suggestions and principles enunciated by the Local Government representatives on the Manpower Committee. If, in the closing pages, certain matters of principle have been commented upon, albeit briefly, in a somewhat non-committal manner, this must be attributed solely to the writer's personal conviction that there can be no prescribed and rigid pattern for local government administration within the two tier system and that, in the matter of delegation, not only individual county services but the position within individual counties must be subjected to individual consideration.

## INTRODUCTORY

### *Acknowledgments*

The preparation of this review has been a co-operative effort and I would acknowledge with grateful thanks the great help given and the considerable amount of detailed work performed voluntarily, cheerfully and in their private time, by Mr. E. H. Bugg, Assistant County Treasurer, and the following members of the Staffordshire finance department :—

Mr. D. W. Bean  
Mr. J. E. Jarrett  
Mr. A. B. Turner  
Mr. D. L. Oddy  
Mrs. J. Truscott.

My thanks are also due to the Treasurers and other Chief Officers of the counties who courteously responded to the detailed enquiries addressed to them and so made possible the production of this report.



## CHAPTER I

### The Principles of Delegation

#### VIEWS OF LOCAL GOVERNMENT BOUNDARY COMMISSION

In their report for the year 1947 the former Local Government Boundary Commission made various comments and suggestions some of which, it is felt, might appropriately be included in this review, particularly having regard to the unique opportunities which were afforded to the Commission of ascertaining the views of various types of local authorities. The following extracts are taken from the earlier part of the Report :—

“ Parliament has adopted various methods in the past to secure collaboration between the two tiers. We have classified the more important of these below and cite in footnotes a number of provisions in Acts of Parliament to illustrate our classification, but the list is not exhaustive:

- (1) Financial assistance from county to county district council.
- (2) Co-ordination by county council of work of county district councils.
- (3) Concurrent powers.
- (4) Co-operation on joint bodies.
- (5) Appointment of nominees of county district councils on committees or sub-committees of county councils.
- (6) Transfer or relinquishment of functions from county to county district council or vice versa, either by agreement or by order of a Minister.

In addition to these there is the system of delegation of functions from county councils to county district councils. This calls for closer examination, because advocates of the one-tier system claim that division of powers between two authorities is a clumsy expedient not to be adopted if it can be avoided and that systems of delegation give rise to friction and waste of time, money and man-power. In the course of our conferences with local authorities few subjects have aroused more interest than the recent provisions for delegation contained in the new Education Act.

Apart from a power (never put into general use) in the Local Government Act, 1894, one of the earliest experiments in this

## THE PRINCIPLES OF DELEGATION

field was the "claiming" system in highway legislation. This originally entitled every urban authority to claim the right to maintain and repair county roads at the expense of the county council. Subsequently the right was limited to urban authorities with populations of 20,000 or upwards. Under modern conditions the population figure of 20,000 is almost certainly too small to justify an absolute right to "claim", but the evidence goes to show that in principle the system is right and works well. The annual business of securing the approval of the county council to a programme and to estimates is comparatively simple, and the advantage of co-ordinating standards of road maintenance and securing an ordered county programme outweighs the slight additional expense involved in collaboration between the two councils. There are very few complaints of undue interference by county authorities in detailed administration.

The recent Education Act broke entirely new ground. It provided for an elaborate system of "divisional executives", most of which are *ad hoc* bodies operating over specially constituted areas of the county, though in the larger urban areas the divisional executive may be the borough or urban district council. These divisional executives exercise delegated powers in accordance with the terms of a scheme of divisional administration.

We have heard widespread criticism of this system on a number of grounds. It is said that it is expensive, clumsy and time-wasting, that it does not give the divisional executives sufficient authority to make the work interesting and attractive, and that it involves constant reference to the county offices on matters of minor importance. Some of this criticism should no doubt be discounted. The system is new and has as yet hardly had a fair trial. Those local authorities from whom powers were removed by the new Act are not in all cases in a co-operative mood nor are all county councils. But, making all due allowance for these factors, there remains a substantial volume of criticism not only from the old "Part III" authorities but from the divisional executives as a class, and in some cases from county councils.

Delegation must always be less effective and convenient than autonomous provision of a service by an authority which is neither too large nor too small to handle it. In our proposals we shall for this reason recommend autonomous powers wherever we can properly do so. But for certain services and in certain areas delegation is a valuable and, indeed, essential form of co-operation. The type of service and of area suitable for

delegation and the precise form of delegation are matters which have not received as much consideration as they deserve. While it will be seen that we do not favour an automatic right on the part of district councils with a certain population figure to have functions delegated to them, we consider that the second-tier authorities may justly complain if the decision whether to delegate or not is left to the county council. The practice of giving a right of appeal to the Minister is not a happy one because it is apt to lead to the two councils finding themselves in the position of litigants.

Delegation in the strict sense of the term involves the relation of principal and agent, and agency demands the utmost good faith on both sides. Success or failure depends on mutual confidence and goodwill. It is easy to state in general terms that the county council should be responsible for policy and finance and the district council for the day-to-day running of the service. It is impossible to secure the observance of this principle merely by the language of the instrument embodying the arrangements. Personal factors, perhaps most of all the temperaments of the principal officers and of their assistants on both sides, play an all-important part."

Following upon their main recommendations for the reconstitution of local government in England and Wales, the Boundary Commission again referred to the question of delegation of county services and made certain suggestions which are reproduced below:—

"The main objects of delegation of functions by county councils to county district councils are to give effect to the principle that local government administration should be as local as possible, to secure a satisfactory volume of work for the district councils, and to give much-needed relief to county councils from the burden of day-to-day administration of services. As already stated, the usual methods have been to leave to the county council the decision to delegate or not to delegate, or (as in the case of "claiming" under highway administration) to leave the decision to the county district council, or, thirdly, to provide an appeal to the appropriate Minister against a refusal to delegate. We doubt whether any of these methods is really calculated to secure the desired objects, and they result in a patchwork. We believe that much more satisfactory arrangements might be secured if Parliament were prepared to leave the details of delegation to be settled after a Bill has reached the Statute Book, contenting itself with deciding by the terms of the statute itself whether the subject

matter was, or was not, appropriate for delegation at all. There should then be for each county a delegation scheme which would take account of all factors, including the type and size of the county, the type, size and number of county districts, and the nature of the services in question. The scheme, when framed, should normally stand for a substantial period (say ten years), except, of course, for new legislation. It should be reviewable at the end of that period, but only in exceptional circumstances within the period. The knowledge that the scheme would be open to such a revision would encourage both parties to avoid or remove difficulties themselves.

Two possible methods of framing this scheme may be mentioned. It might be done in each county of two-tier administration by a special body representing the county council and the county district councils, any differences being resolved by an independent body. Another method might be for each county scheme to be framed by an independent body in consultation with both the county council and the county district councils. These methods have been suggested to us by the counties and non-county boroughs. In either case we think that the general principles on which the schemes should be framed ought to be laid down by Regulations in which all the appropriate Ministers would concur and which Parliament would approve. These Regulations, following the lines of the General Principles, might give guidance by reference to minimum population figures or other factors. It would not, in our opinion, be good policy either to allow the delegation scheme to be made solely by the county council or to confer on any county district council statutory rights to delegation.

We consider that these county schemes should also, where necessary, lay down conditions of delegation. In some Acts the power to impose conditions is expressly mentioned, and in others not, but it is a necessary feature of any agency arrangements.

Whatever method is adopted it must be flexible. We are sure that what is right for one county is not necessarily right for another and that what is right for one county district in a county is not necessarily right for another in the same county."

## VIEWS OF THE LOCAL GOVERNMENT SIDE OF THE LOCAL GOVERNMENT MANPOWER COMMITTEE

In the course of the review of the procedure and organisation of local government which was recently carried out by the Manpower Committee, the Local Authority Associations investigated the

procedure for delegation of powers from county councils to district councils and other bodies. The result of this investigation was summarised in a memorandum submitted by the Local Government side to the Manpower Committee which has been included as an appendix to the Second Report of that Committee.

The memorandum makes it clear that the sub-committee which made this investigation were, by the terms of their reference, prohibited from making any recommendations that would entail changes in the existing law. The Local Government side, therefore, indicate that "the proposals put forward must, on this account, and in view of the possibility of the Government propounding a complete scheme of local government reform, be regarded as constituting merely a short-term policy aimed at securing economy in the use of manpower and increased efficiency of local authority activities under the existing law. The proposals . . . are entirely without prejudice to such other proposals as the Associations of local authorities may make or accept in relation to proposals for the reform of the local government structure."

### *History of Delegation*

The brief resumé of the history of delegation of county services which is contained in paragraph 10 of the Memorandum has been reproduced as an appendix to this review (Appendix I—page 166).

### *Underlying Principles*

Before going on to express views on the delegation of various county services, the memorandum sets out (in paragraphs 11 and 12) certain fundamental principles which may well serve as a background to any factual review of the present delegation arrangements. These principles are reproduced below :—

"From the point of view of county district councils direct conferment of functions rather than delegation is strongly favoured. The heavy burden of duties borne by local government and the unresolved form of the partnership between county councils and district councils, however, emphasise how necessary it is, in cases where delegation is regarded as a suitable method of administration, to secure that it shall be elevated above the level of an expedient liable to misuse into a principle of local government designed to meet present and future needs under the existing law.

In considering detailed delegation in the individual services the following 'principles of delegation' have been used as a guide

and are also recommended for adoption in other services considered capable of delegation :—

- (i) The governing principle is to secure a virile and responsible local government with a sense of purpose and achievement strong enough to attract to it members and officers of real ability.
- (ii) There are certain services, principally those which affect the welfare of the individual, which cannot be administered successfully without local knowledge of individual circumstances, and which are therefore best administered on a local basis.
- (iii) Broad questions of policy must be determined by the county council, leaving county district councils a reasonable measure of latitude to administer the service within the policy so determined. Where delegation has taken place, there must not be undue delay on the part either of the county council or the county district council in dealing with any subject matter referred by one to the other.
- (iv) The authority to whom powers are referred must possess sufficient financial resources and, subject to what is said in the detailed comments below, adequate staff to enable it effectively to exercise the powers referred to it.
- (v) Where delegation of a function is deemed appropriate, the degree of delegation should vary according to the individual function in question, and also vary according to the characteristics of the county district concerned.
- (vi) Expenditure must be based on estimates which must not be exceeded or departed from without the prior consent of the county council. Subject to this, estimates should be submitted by the district council in such form as to enable the county council to approve with the full knowledge of the purpose of the estimate, without further reference to the county council being needed before expenditure is incurred. A second submission should not be required.
- (vii) Where a county district council have not a specialist or suitably qualified technical staff, it is open to the county council to make it a condition of the delegation that the county district council shall make use of county specialist or technical staff.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

- (viii) For the purpose of economy and efficiency of administration, delegation should be exercised in such a way as to ensure that analogous functions are administered together.
- (ix) Any system of decentralisation must be such that it is capable of application :—
  - (a) to functions of various kinds : and
  - (b) in counties which differ greatly in size, character and resources.

It may be seen from the historical review mentioned above that the provisions in regard to delegation differ considerably in each major Act, and that there is no set pattern for these, so much so in fact that one Act permits no delegation at all to a county district council, whilst another permits a considerable degree of delegation. It is clearly not possible to devise any model of delegation together with a standardised form of administration that might be applied with minor variations to each major service. Each service needs, therefore, to be considered separately and a workable scheme of delegation devised according to the special needs of that service."

### *Comments of Local Government Side in relation to individual county services*

The memorandum includes comments on each of the following six main county services, which are considered to be capable of delegation.

Health	Education	Planning
Civil Defence	Highways	Welfare

The observations contained in the memorandum of the Local Government side of the Manpower Committee have been reproduced later in this review when consideration is given to the actual schemes of delegation which are operative in various selected counties for each of the foregoing services, with the exception of Welfare (see Chapters III to VII).

## CHAPTER II

### Some Preliminary Considerations

#### THE POLICY ADOPTED BY INDIVIDUAL COUNTIES

It does not seem appropriate that, in a report of this nature, any comment should be made upon the policy adopted by individual counties in relation to the delegation or decentralisation of their services. This is a matter for decision by the individual county councils for each of the services concerned. Many factors have to be considered, of which the following are only a few which have been selected for purposes of illustration :—

1. The nature and scope of the particular service.
2. The framework and specific wording of the enactment(s) under which the responsibility for the service has been placed upon county councils.
3. The expressed or inferred policy of the appropriate Government department on the decentralisation of the service.
4. The size of the administrative county, not only in area but also in population.
5. The financial resources of the county.
6. The urban or rural nature of the administrative county.
7. The number, size and resources of the various county districts and their separation into the three classes—non-county boroughs, urban districts and rural districts.

#### VARIATION IN SIZE AND RESOURCES OF ADMINISTRATIVE COUNTIES

The statement appearing as the second appendix to this report (Appendix II—Page 169) sets out in alphabetical order the various administrative counties in England and Wales (excluding London) and gives particulars of area, population, rateable value and penny rate product, extracted from the Miscellaneous Statistical Return issued by the Society of County Treasurers in November, 1951. It will be seen that the total population in the various counties varies from 19,998 in Radnor to 2,268,776 in Middlesex. These two counties also provide the extremes of the range in density of population.



## THE DELEGATION OF SERVICES WITHIN COUNTIES

A comparison of total acreage shows that the Soke of Peterborough at one extreme has an area of 53,464 acres whereas the rolling moors and enchanting countryside of Devon cover 1,649,206 acres, a total area of nearly 2,600 square miles (almost three times the size of the average administrative county area).

Excluding the vexed question of the hypothetical rateable value bequeathed by the operation of the Exchequer Equalisation Grant, the financial resources of the different counties can be seen to range from a total rateable value of £115,645 in Rutland to £22,577,364 in Middlesex.

These comparisons, and many others which could be made, illustrate some of the reasons why the methods of organisation and administration of county services are bound to vary as between the small, the medium and the larger counties. They consequently have especial significance in considering the question of the advantages and disadvantages, the practicability or the non-practicability of the delegation of county services either to *ad hoc* bodies, such as Divisional Committees, or direct to county district councils.

## THE SCOPE OF THE PRESENT ENQUIRY

With these and other considerations in mind it was decided to limit the present enquiry to those counties which had a total population in excess of 200,000. This had the effect of bringing within the scope of the research thirty-eight counties, of which thirty-six are English and two (if Monmouthshire is so included) in Wales.

Particulars relating to the thirty-eight counties are given in the third appendix to this report (Appendix III—Page 170). It will be seen that this statement pays particular attention to total population and the dispersion of that population over the various county districts within each county.

### *Grouping of selected counties*

If one adopts a somewhat arbitrary method of grouping fourteen of the thirty-eight counties have a total population below 350,000, thirteen of them have populations between that figure and 650,000, while the remaining eleven have populations ranging from just over 685,000 (Derbyshire) to over 2,000,000 in the case of Middlesex. One merit of this rough division is that it brings approximately the same number of counties into each of three groups which in

later paragraphs are referred to as the "smaller", the "medium" and the "large" counties respectively. When considering the first of these groups it must be remembered that there are twenty-three counties (including eleven in Wales) which have been excluded entirely from the enquiry because their individual populations do not exceed 200,000.

## VARIATION IN NUMBER OF DISTRICTS AND DISPERSION OF POPULATION

The statement illustrates the considerable variation in the number of county districts within counties which in other respects are comparable. Even if one excludes Middlesex, which is so highly urbanised and in a category of its own, it can be seen that whereas Monmouthshire has twenty-three county districts, Bedfordshire, with a similar total population and area, has twelve only.

An analysis of the dispersion of the population within counties over the various classes of county districts reveals a great variation in the size of districts in terms of population. Of the 1,146 county districts in the thirty-eight counties, 718 (or 63%) have populations below 20,000 and averaging 10,224. 349 (or 30%) of the districts have populations ranging from 20,000 to 50,000, with an overall average population of 31,032. Of the remaining 79 county districts, 62 have populations between 50,000 and 100,000 while 17 each have populations exceeding 100,000.

The position is no less striking if one considers the position within certain individual counties. In fourteen of the counties, no county district has a population exceeding 50,000 while the *average* population in the larger districts in those counties varies from 25,008 (Cornwall) to 36,948 (East Suffolk). In the latter county the average figure is relatively high in comparison with the other counties by reason of the fact that one of the three county districts in the 20,000—50,000 population group (Lowestoft) possesses a population of nearly 43,000.

The foregoing comments are illustrative only and other comparisons could be made in greater detail. Their relevance arises from the fact that upon a theoretical approach to the question of delegation of county services one might reasonably expect to find that over a fairly wide field of sampling the following tendencies would emerge :—

1. The degree of delegation throughout the larger group of counties would be greater than in the medium counties which,

## THE DELEGATION OF SERVICES WITHIN COUNTIES

in turn, would tend to delegate more extensively than the smaller counties.

2. The degree of delegation within the densely populated urbanised counties with large county districts would be fairly extensive.
3. The extent of delegation to county district councils within counties would tend to vary according to the size and resources of the different county districts and might possibly vary also between the non-county boroughs and urban districts on the one hand and the rural districts on the other.

## THE NATURE OF THE ENQUIRY

Each of the thirty-eight county councils was requested to furnish statistical information and reasonably detailed replies to questions covering the following county services :—

Local Health Services  
Education  
Town and Country Planning  
Civil Defence  
Highways

So far as the Welfare and Children services were concerned, the authorities were asked to append a brief description of the administrative arrangements in their respective counties.

Throughout the enquiry the general term “delegation” was used for purposes of simplicity even though in certain questions “decentralisation” might have been more appropriate. For the same reason the terms “delegatee authorities” or “delegatee bodies” were used generally in certain of the schedules to refer not only to county district councils but also to such bodies as Area Committees and Divisional Executives operating under delegated powers.

## THE FORM OF THE REPORT

With a view to avoiding the necessity for extensive summaries which could only be produced as appendices to the report, it has seemed appropriate to deal with each of the various services individually in what is mainly a narrative form. Certain comments and the results of this part of the enquiry are set out in relation to each service under the following broad sections :—

1. The relevant section of the appropriate enactments giving

## PRELIMINARY CONSIDERATIONS

power to the county council or requiring the county council to delegate its powers.

2. The observations and conclusions contained in the Memorandum of the Local Government side of the Manpower Committee.
3. A summary of the general delegation arrangements and the nature of the delegatee authorities.
4. The extent of delegation in the selected counties.
5. The administrative and financial machinery in operation under the delegation arrangements, with particular reference (where appropriate) to :—
  - (a) Buildings
  - (b) Staff
  - (c) Financial Estimates
  - (d) Accounting Records
  - (e) Financial Control.

## CHAPTER III

### Local Health Services

#### RELEVANT STATUTORY PROVISIONS

Part II of the Fourth Schedule to the National Health Service Act, 1946, requires every local health authority to establish a health committee which is responsible for the exercise of the functions of the local health authority, and the Act authorises delegation by the health committee to sub-committees, in the following terms :—

“ The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, establish such sub-committees as the health committee may determine, and any sub-committee established under this paragraph shall be constituted in such manner as may, subject to any restrictions imposed by the local health authority, be determined by the health committee, and at least a majority of every sub-committee shall be members of the local health authority or of a local authority for any area forming part of the area of the local health authority.

The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, authorise any sub-committee to exercise on their behalf any functions of the health committee.”

There is also a reference to divisional administration under section 22(4) of the Act but the arrangements envisaged under this sub-section have not been introduced, for reasons given by the Minister to the House of Commons on 3rd July, 1947, which are summarised below :—

“ Section 22(4) of the National Health Service Act, 1946, enables the Minister of Health to make regulations requiring local health authorities of counties in which schemes of divisional administration were in force under the Education Act, 1944, to make corresponding schemes of divisional administration with respect to the care of children under five. His object in seeking that power from Parliament was to safeguard continuity in the health services for children. On careful re-examination he had come to the conclusion that the making of regulations would entail disadvantages and that continuity in the health

services for children could be secured, and secured more adequately and efficiently, in another way.

There would be disadvantages for two reasons. In the first place many of the areas of divisional administration, which had naturally been selected by reference to educational considerations, were not so well adapted to the administration of health services. Secondly, the arrangements for infant care under section 22 could not, without loss of efficiency, be separately administered from the arrangements for the care of expectant and nursing mothers or from those concerned with infant health, like health visiting and vaccination and immunisation.

He believed that continuity and the maintenance, which was so desirable, of local interest, could best be secured by subdividing all counties (except those where, either on account of the small size of the county or of other local considerations, decentralised administration for the whole or part of the county would be inappropriate) according to local health requirements. In each sub-division, the County Health Committee would use its powers under the Act to appoint a sub-committee on which the councils of county districts comprising the sub-division would be represented, and to which would be delegated the day-to-day administration in the division, not only of the child care services specified in section 22(4), but also of other services under Part III of the Act. Under the County Medical Officer, executive charge of those services in the division would normally be taken either by an existing Assistant County Medical Officer, preferably one who was also Medical Officer of Health of one or more of the districts constituting the division, or by the Medical Officer of Health of one of those districts who would be appointed to the staff of the County Medical Officer. There was, moreover, a limited number of non-county boroughs and large urban districts, which besides being 'excepted districts' under the Education Act, housed an unusually high proportion of the total population of the county, and possessed exceptionally well developed public health (including school health) services. Such a borough or urban district would ordinarily become an area of health administration separate from the surrounding districts and the County Health Committee would in these cases appoint, for that borough or urban district, a sub-committee of which half or more of the members would be members of the borough or urban district council, and to which day-to-day administration would similarly be delegated. The Medical

## THE DELEGATION OF SERVICES WITHIN COUNTIES

Officer of Health of the borough or urban district would then be appointed, by agreement with the borough or urban district council, in a part-time capacity to the County Medical Officer's staff. Both in these areas and in the sub-divisions which he had mentioned earlier the county council as local health authority would retain, unimpaired, its responsibility for policy and finance."

## OBSERVATIONS OF LOCAL GOVERNMENT SIDE OF MANPOWER COMMITTEE

### "(a) *Introductory Remarks*

In view of the terms of the National Health Service Act, 1946, devolution is the only method that can be considered. The manner of applying devolution is twofold :—

- (i) To a sub-committee of the county health committee consisting of or including members of a single county district council ;
- (ii) To a similar sub-committee consisting of or including members from a group of county district councils. (In order to avoid the formation of an unduly large body it may be necessary to select an agreed number of members from each council in the group.)

The determining factor is the creation of a unit which can be regarded for all practical purposes as sufficient in itself to undertake day-to-day administration economically. These units would, whatever their constitution, have to act as sub-committees of the health committee. It may be desirable for the sub-committees to include some members additional to the members of the county district council or councils, e.g., representatives of local voluntary organisations engaged in health work.

Where centralisation without any form of devolution is desired, it should be agreed between the county council and county district councils.

The 'principles of delegation' are equally applicable where devolution is applied, except that it is unnecessary to consider the law of agency in relation to the employment of staff. Under devolution, the functions are discharged by sub-committees of the county council, and it follows that the employees of the county district council, when working in the Health Service, are acting as employees of the county council, and their payment is the responsibility solely of the county council, though their

actual appointment might be made by the sub-committee within the scale of salary and establishment laid down.

(b) *Conclusions*

I. *Administration*

*Devolution*

Circumstances vary in counties as to the size of a county district capable of exercising these functions and they may be such as to necessitate the retention of powers by the county council. Devolution to the county district council themselves should be the major objective. There may be cases, however, in which the county district council, whilst capable of justifying their existence as a separate unit, ought to combine with surrounding county districts where, for the sake of those other county districts, it was necessary for the county district councils to combine. The county district council should be a capable unit and a population of 35,000 might be regarded as a minimum to justify a claim for devolution to them as a separate entity.

*Practical Unit of Administration*

The aim should always be not only to conform to the general nature of the 'principles of delegation', but also to create a unit which for all practical purposes is sufficient in itself to undertake day-to-day administration economically.

*Staff*

The employment of county district council staff should be a matter of agreement between the county council, the district council, and the officers of the district council.

II. *Functions*

*Functions to be delegated*

The following functions might be exercised by the sub-committee :—

- (i) Care of mothers and young children
- (ii) Midwifery
- (iii) Health visiting
- (iv) Home nursing
- (v) Vaccination and immunisation
- (vi) Prevention of illness, care and after-care
- (vii) Domestic help.



## THE DELEGATION OF SERVICES WITHIN COUNTIES

### *Ambulance Service*

This needs generally to be co-ordinated by the county council, but in exceptional cases, where local circumstances justified it, there could be decentralisation.

### *Mental Health Service*

This could not be decentralised."

## SUMMARY OF DELEGATION ARRANGEMENTS

### *Generally*

Delegation to some degree is operative in thirty counties and in all cases the delegatee bodies operate over an area as sub-committees of the County Health Committee. These bodies are variously described as, for example, Divisional Health Committees, Area Health Committees, Area Health Sub-Committees. In twenty-one of the counties, the whole of the administrative county is covered by such Divisional Committees whose numbers range from two in Cumberland to twenty-one in Hampshire. The average area covered by a Divisional Committee in the twenty-one counties is approximately 81,000 acres, the extremes ranging from 2,594 acres to 613,284 acres. The average population covered by a Divisional Committee is approximately 86,400, the extremes ranging from 17,873 to 334,131.

In the remaining nine counties in which delegation is operative the delegation has been granted to Divisional Committees operating over a part of the county only—principally the areas of selected county district councils. The number of separately constituted Divisional Committees varies from one to three and the populations covered from 60,000 to 133,511.

With only slight exceptions the areas of all Divisional Committees coincide with the boundaries of one or more county district councils.

### *Constitution of Divisional Committees*

The total average number of members on Divisional Committees varies from nine to thirty-one. In four cases only the total number of county representatives represents an absolute majority. In fourteen cases the county district council representatives are in an absolute majority. Twelve of the county schemes provide for the appointment of nominees of outside bodies while in sixteen counties provision is made for co-option of members. A simple average of

## LOCAL HEALTH SERVICES

the numbers serving on Divisional Committees in the thirty counties gives the following figures :—

Number of representatives appointed by :				
County Council	...	...	6	
County District Councils	...	...	10	
Other Bodies	...	...	2	
			—	18
Co-opted Members	...	...	...	2
				<u>20</u>

The term of office of members varies from one to three years, a period of one year being prescribed in the majority of counties. In eight counties provision is made for the Chairmen or other representatives of Divisional Committees to be co-opted on to the appropriate central Committee or Sub-Committee whilst in ten counties the scheme provides that the Chairman of the Divisional Committee must be a member of the County Health Committee.

### *Meetings of Divisional Committees*

The majority of the counties have prescribed regulations governing the periodicity and conduct of meetings of Divisional Committees and the replies show that in nine counties such meetings are held at least monthly, the majority of Divisional Committees being called either quarterly or more often as might be required.

The full minutes of Divisional Committees are made available to members and officers of the County Health Committee in seventeen counties while in twenty-four counties either the minutes of the Divisional Committees or reports of their proceedings are circulated to members of the County Committee or Sub-Committee.

## THE EXTENT OF DELEGATION

### *The General Picture*

The extent of the various delegation schemes as distinct from the degree of detailed delegation can be presented in the following broad form :—

#### *Services delegated according to Population Groups*

Extent of Delegation	Number of Counties and Groups			
	Large	Medium	Smaller	Total
Number of selected Counties	11	13	14	38
Number of Counties in which delegation operates ...	10	9	11	30

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## *Services delegated according to Population Groups*

N.H.S. Act 1946	Local Health Service delegated wholly or in part	Number of Counties and Groups			
		Large	Medium	Smaller	Total
Section 22	Care of Mothers and Young Children				
	Infant Welfare Centres ...	10	9	9	28
	Day Nurseries ...	10	6	9	25
	Dental Services ...	10	8	9	27
	Midwifery ...	7	3	—	10
23	Health Visiting ...	9	6	7	22
24	Home Nursing ...	9	6	9	24
25	Vaccination and Immunisation ...	9	6	7	22
26	Ambulance Services	10	7	9	26
27	Prevention of Illness, Care and After-Care ...	5	2	4	11
28	Domestic Help ...	8	5	5	18
29	Mental Health ...	9	7	9	25
31	General Administration ...	3	—	—	3
	Occupation Centres	1	—	—	1
	Other Health Services	2	—	—	2
Part I	Health Education...	6	2	1	9
10th Sch.	Infectious Diseases Admin. ...	3	—	2	5
	Nurseries and Child Minders Regulation Act, 1948 ...	2	—	1	3

Only two of the thirty counties have delegated, either in whole or in part, functions in relation to all local health services under the National Health Service Act, 1946, although considerable use has been made of powers of delegation in relation to what may be termed the "more local services", such as Infant Welfare Centres, Day Nurseries, Health Visiting, Vaccination and Immunisation and the provision of Domestic Help.

The small number of counties in which dental services have been delegated is mainly due to the fact that these form a part of the school dental arrangements, while, for ambulances, the majority of counties hold the view that the service can be most effectively and economically administered centrally. It should perhaps be pointed out that, for many counties, this latter is a relatively new service, and that its administration has to be considered in the light of developments in connection with Civil Defence.

## LOCAL HEALTH SERVICES

It will be observed that the mental health services are excluded from delegation arrangements in the majority of counties. These services were controlled by counties before the coming into operation of the National Health Service Act, 1946, and most counties consider that they are best administered over a wide area.

### *The degree of variation*

Each county council delegating services to Divisional Committees has its own individual scheme of delegation and, as might be expected, there are wide variations in the services delegated and in the degree of delegation for each of these services. It seems clear, however, that fairly extensive delegation is practised in the majority of the larger counties, but, generally speaking, delegation is restricted in those counties with less than 350,000 population.

For the purpose of an examination of the degree of variation, local health services may appropriately be divided into the following six main groups :—

1. *Care of Mothers and Young Children*—including the provision of infant welfare centres, day nurseries, mother and baby homes and various items of medical equipment, together with vaccination and immunisation, which is often carried out in local clinics—i.e., those services provided under sections 22 and 26 of the 1946 Act.
2. *Home Visiting Services*—comprising midwifery, health visiting, home nursing and domestic help—i.e., services provided under sections 23, 24, 25 and 29 of the Act.
3. *Ambulance Service*—provided under section 27 of the Act.
4. *Prevention of Illness, Care and After-Care of sick persons*—i.e., services provided under Section 28 of the Act.
5. *Mental Health Service*—including duties under the Mental Deficiency Acts, 1913-38, and under the Lunacy Act, 1890—provided under Section 51 of the Act.
6. *Other Health Services*—including health education, notification and control of infectious diseases which are referred to in Part I of the Tenth Schedule to the Act, and duties under the Nurseries and Child Minders Regulation Act, 1948.

Health Centres, provided under Section 21 of the Act, have been omitted as there has been relatively little development in this direction. It is, however, interesting to note that some written schemes of delegation provide for the administration of Health Centres by Divisional Committees, in much the same way as at present applies to Infant Welfare Centres.

# THE DELEGATION OF SERVICES WITHIN COUNTIES

The main variations in principle and practice within each county are summarised under the above headings in the following paragraphs :—

<p><i>Large Counties</i> (over 650,000 population) (Total number 11)</p>	<p><i>Medium Counties</i> (350,000 to 650,000 population) (Total number 13)</p> <p><i>Generally</i></p>	<p><i>Smaller Counties</i> (less than 350,000 population) (Total number 14)</p>
<p>All except one of the eleven counties in this group have schemes of delegation. The one exception has decentralisation in the form of area offices but no separately constituted Divisional Committees. In one county the scheme of administration authorises the delegation of all local health services but, transitionally, only restricted delegation has been applied. In one other county there is restricted delegation, in that one division only administers the majority of the local health services while elsewhere in the county the services are subject to the direct control of the County Health Committee. With these two exceptions, however, there is fairly extensive delegation of health services within this group of larger counties and, in fact, two counties delegate, either in whole or in part, all services to Divisional Committees.</p>	<p>Within this group there are four counties in which there is no delegation of local health services, while in four of the remaining nine counties delegation is restricted. In three of these the restriction arises from the fact that Divisional Committees do not cover the whole of the county area, the health services for the remainder of the county being subject, in each case, to central control. In one county, the only service delegated is the day-to-day administration of day nurseries including the maintenance of premises and the appointment of staff other than matrons, wardens and nursing students.</p>	<p>Although the table on page 25 shows that eleven of the fourteen counties in this group delegate local health services to Divisional Committees, the extent of delegation is in most cases very restricted. In two counties certain matters relating to the services are delegated for consideration and report only, little administrative action being taken by Divisional Committees. Two counties delegate to one division only and in two other counties, although the written scheme provides for fairly extensive delegation, in practice the scheme has not yet been fully implemented. In one other county divisional committees do not cover the whole of the county area and one county is unique in that it delegates the ambulance service alone to local sub-committees.</p>

*Care of*

In the majority of counties delegating these services the Divisional Committees assume general responsibility for the inspection and upkeep of premises, the replacement of furnishings and the provision of supplies, although requisitions are often made on central stores in appropriate cases. The Divisional Committees are also responsible for the recovery of charges under the Act and the staff employed in divisional establishments (other than medical or senior administrative staff) are appointed and controlled locally. Restrictions on delegation are generally applied in respect of the care of illegitimate children, the provision and management of hostels for mothers and babies and other special facilities which are provided generally for the whole of the county area. One county has special arrangements for vaccination and immunisation whereby county district councils act as agents of the county council and, to this extent, the service is divorced from divisional administration.

*Mothers and Young Children, Vaccination and*

This group of services is the only one to be delegated in all counties in which delegation applies, but, in two of the counties, delegation is restricted to the day-to-day administration of day nurseries only. One county council delegates each of the services with the exception of the administration of day nurseries, while another county operates full delegation in one division only. Certain aspects of these services, such as the care of illegitimate children and the provision and management of hostels for mothers and babies are in all cases reserved to central control.

*Immunisation*

In six of the nine counties in which these services are delegated, similar conditions obtain as those applicable in the larger counties. The Divisional Committees appoint and control officers and servants engaged on the delegated functions, and are responsible for the management of clinics and day nurseries and for the purchase of equipment and supplies. In the remaining three counties, delegation is very restricted. In one county the Divisional Committees have no power to appoint staff; in another county the expenditure of the Divisional Committees is limited to £30 on routine items and in the third county there is no delegation of specific duties and the powers of Divisional Committees are restricted to making recommendations to the central authority on the day-to-day administration of clinics and day nurseries within their areas.

# THE DELEGATION OF SERVICES WITHIN COUNTIES

<p><i>Large Counties</i> (over 650,000 population) (Total number 11)</p> <p><i>Home Visiting Services</i></p> <p>Nine counties delegate this group of services but, although in all these counties there is complete delegation in respect of the administration of the domestic help service, the other three services, which are of a more technical nature, are generally subject to a much greater degree of central control. In the case of midwifery, the County Health Committee retains its powers as local supervising authority and for all these services the training of staff is dealt with centrally. In seven of the counties the Divisional Committees are authorised to appoint and control professional and domestic staff but even where these powers are delegated one county council reserves the right to appoint health visitors, and another imposes a salary limit of £385 per annum above which all appointments are made centrally. In some counties Divisional Committees are authorised to provide and issue uniforms, to arrange for transport of staff and to deal with the maintenance and letting of residential accommodation provided for nursing staff.</p>	<p><i>Medium Counties</i> (350,000 to 650,000 population) (Total number 13)</p> <p><i>—Midwifery, Health Visiting, Home Nursing</i></p> <p>There are wide variations in the extent of delegation within this group of services. Of the nine counties in which schemes of delegation are operative, five counties delegate all these services to Divisional Committees, one county delegates all except the health visiting service and one county delegates the health visiting and domestic help services only. As in the case of the large counties, the medical and technical aspects of the services are subject to a large measure of central control and it is in connection with the domestic help service that the greatest degree of delegation applies. Only three counties authorise Divisional Committees to appoint and control all professional staff and in one of these counties the power of dismissal of such staff is retained by the County Health Committee.</p>	<p><i>Smaller Counties</i> (less than 350,000 population) (Total number 14)</p> <p><i>and Domestic Help</i></p> <p>Although six counties in this group delegate all four services the extent of delegation is very restricted. In only one of the six counties are Divisional Committees made responsible for the day-to-day administration of the services for the whole county area. Three counties each delegate to one division only and the remaining two counties delegate the services to Divisional Committees for consideration and report only. In the remaining counties the practice varies considerably. One county delegates midwifery, health visiting and domestic help; another health visiting and domestic help only; while a fourth county delegates health visiting only. Where delegation operates there is, in six of the counties, power to appoint and control staff for the services delegated and schemes generally provide for the delegation of all matters relating to the discharge of the functions of the county council as local health authority within the Division, other than the determination of policy and control of finance.</p>
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*Ambulance Service*

Four counties delegate this service but, with one exception, the powers delegated are very limited. One county delegates to local ambulance sub-committees the responsibility for the day-to-day administration of the service and each local sub-committee has its own Clerk and local ambulance officers. Another county delegates the administration of the ambulance service to one Division only, while in the remaining two counties delegation is confined to consideration and report to the county health committee.

Only two counties within this group delegate the day-to-day administration of the ambulance service and in both of these cases all vehicles are provided and maintained by the central authority.

Only five county councils in this group delegate ambulance service administration and in only two of these counties does the ambulance service appear to be delegated in full. In the other three counties, the servicing of vehicles and the provision of medical and transport supplies is controlled centrally.

*Prevention of Illness, Care and After-Care*

Delegation is very restricted. In one county the powers of Divisional Committees are confined to consideration of reports of staff and granting of assistance in kind by way of clothing, bedding and extra-nourishment. Two counties delegate duties in respect of this service to one division only and two other counties merely require divisional committees to consider local matters relating to the service and to submit recommendations to the county health committee.

Delegation of this service within the five county councils where such arrangements operate is confined mainly to consideration by Divisional Committees of reports of staff and the granting of assistance in kind by way of extra nourishment, equipment, etc. One county delegates all duties in connection with the after-care of tuberculous persons but, generally, there is a tendency to reserve the administration of this service to central control. The care and after-care of mental defectives is in all cases excluded from delegation arrangements.

In the eight counties in which this service is delegated to Divisional Committees, practice varies considerably. In three counties the emphasis has been placed on the delegation of services relating to care of children of tuberculous parents, the provision of articles for tuberculous persons and the provision of sick-room articles and equipment on loan. In other counties functions other than those concerned with the granting of extra nourishment, clothing and bedding, etc., are reserved to central control. Central administration applies particularly to arrangements for convalescent home treatment.



# THE DELEGATION OF SERVICES WITHIN COUNTIES

<p><i>Large Counties</i> (over 650,000 population) (Total number 11)</p>	<p><i>Medium Counties</i> (350,000 to 650,000 population) (Total number 13)</p> <p><i>Mental Health Service</i></p>	<p><i>Smaller Counties</i> (less than 350,000 population) (Total number 14)</p>
<p>In only three counties is there delegation of the Mental Health Service to Divisional Committees. One of these counties delegates matters concerning the welfare of persons suffering from mental diseases, including the supply of materials for home employment and the provision of transport and necessary attendance, and delegated powers include the administration and management of occupation centres, if and when they are established by the local health authority. In the second county where this service is delegated, functions relating to the certification of mental patients and the ascertainment of mental defectives are expressly excluded from delegated powers, while in the third county delegation is restricted to the administration of occupation centres.</p>	<p>No county councils delegate functions in connection with this service.</p>	<p>No county councils delegate functions in connection with this service.</p>
<p>There appears to be fairly considerable delegation of other services such as health education, control of infectious diseases and duties imposed under the Nurseries and Child Minders Regulation Act, 1948. While the questionnaire circulated did not make specific reference to these services, an examination of some of the written schemes of delegation shows that in many cases it has been found convenient to delegate these services to Divisional Committees.</p>	<p><i>Other Health Services</i></p> <p>Two of the counties within this group delegate health education to Divisional Committees, but the majority of counties administer these miscellaneous services centrally.</p>	<p>One county delegates matters relating to the notification and control of infectious diseases to Divisional Committees. One county requires Divisional Committees to administer the provision of the Nurseries and Child Minders Regulation Act, 1948. A third county delegates, for consideration and report, the functions of the health committee relating to health education and notification and control of infectious diseases. With these exceptions responsibility for miscellaneous services is retained by the central authority.</p>

## LOCAL HEALTH SERVICES

### *Some points of principle*

In all counties where delegation of local health services takes place, Divisional Committees are empowered to make proposals to the local health authority from time to time regarding the services which they administer, and in some cases the power is extended to services which are not directly administered by Divisional Committees. In the delegation arrangements of one county the Divisional Committee may request that specified functions be not delegated and the Health Committee is then precluded from delegating such functions.

Throughout the schemes of delegation there are some financial and allied matters which are excluded from delegation arrangements, and even in those counties in which fairly extensive delegation has been made to Divisional Committees such items as the following have been expressly reserved to the central authority :—

- (a) Fixing rates of remuneration and allowances.
- (b) Agreeing rentals for use of premises.
- (c) Negotiating agreements and contracts.
- (d) Taking legal proceedings.
- (e) Varying scales of assessment, subject (in some cases) to minor discretions being allowed.
- (f) Purchasing or acquiring land and buildings.
- (g) Fixing charges for articles or services provided.
- (h) Amending staff establishments.
- (i) Effecting insurances.

In a few counties only the practice has evolved under which representatives of Divisional Committees have periodical conferences and discussions with representative members of the County Health Committee. Meetings of officers are a feature in most counties and, in many counties, it is found that the necessary liaison and understanding can be maintained through the members of the Health Committee who are also members of Divisional Committees. In a few counties the County Medical Officer or his representative is required to attend meetings of Divisional Committees.

### *Amendment of delegation schemes*

In one county there have been major extensions of delegation arrangements since first they were introduced in 1948. In six counties minor extensions have occurred. In two counties the extent of delegation has been slightly restricted in the light of experience. Three counties envisage some degree of extension of delegation in the near future.

## ADMINISTRATIVE ARRANGEMENTS

### *Buildings*

As previously stated, most of the delegation schemes provide for the day-to-day administration of specified services. This covers the responsibility for the maintenance of buildings such as infant welfare centres and day nurseries. In twenty-five of the thirty counties, however, the Divisional Committees have no power to provide premises, this being restricted to the county authority. In one county the Divisional Committees are authorised to provide buildings, subject to the approval of the local health authority, and the remaining four counties give Divisional Committees a restricted power to arrange for the provision of premises under tenancies. Six schemes provide for consultation between the county authority and the Divisional Committees prior to premises being provided, while in certain other counties Divisional Committees may make appropriate recommendations.

Divisional Committees are required to undertake maintenance work in twenty-one counties, but in eleven of these counties financial limitations are imposed which vary in amount as between different counties from £50 to £500. Of the remaining nine counties, four allow Divisional Committees to undertake minor and urgent works only and in five counties there is no delegation of maintenance work.

While the great majority of counties empower Divisional Committees to replace furnishings and equipment in premises under their control, only in eight counties are such Committees empowered to provide initial furnishings and equipment.

The insurance of premises and contents is undertaken centrally in each of the thirty counties.

### *Staff*

#### *Divisional Medical Officers*

In twenty-nine counties there are Divisional Medical Officers responsible directly to the Divisional Committees. In the remaining county the divisional work is performed direct from the County Medical Officer's department. Whereas in four counties the Divisions have separately appointed Medical Officers, the position in the remaining counties is that the Divisional Medical Officer is usually Medical Officer of one of the county district councils and, in some instances, an Assistant County Medical Officer also. In some counties, however, separate whole-time appointments are made for selected divisions.

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### *Clerks and Financial Officers to Divisional Committees*

In sixteen counties there is a separate clerk to Divisional Committees who, in all cases, is the clerk to one of the county district councils. In eleven counties only have arrangements been made for a district council financial officer to act as financial officer to the Divisional Committee. As will be seen later, the tendency in the majority of counties is for the financial work to be wholly or mainly centralised.

### *Administrative Staffs in Divisions*

In twenty counties there are separate administrative staffs engaged on functions delegated to Divisional Committees. In those counties in which the Divisional Committee comprises the area of one county district, the staff of the district council perform the necessary administrative work. No separate financial staff have been appointed in any county, but in eight counties the staff of district council financial officers perform financial work on behalf of the Divisional Committees.

### *Appointment, Transfer and Dismissal of Staff*

The degree of delegation is illustrated broadly in the following summary :—

Function	No. of Counties and Group			
	Large	Medium	Smaller	Total
<i>Appointment of Staff</i>				
Power delegated to Divisional Committees to appoint :				
(a) Administrative and Clerical Staff ... ..	6	5	2	13
(b) Other Staff—				
(i) Medical and Nursing	6	4	6	16
(ii) Non-Medical ... ..	10	9	8	27
(c) Relief Staff ... ..	10	5	7	22
<i>Transfer of Staff</i>				
Central Authority reserves the right to move staff from one Division to another ... ..	7	5	4	16
<i>Dismissal</i>				
Power delegated to Divisional Committee to dismiss staff under their control, subject to a right of appeal to the central authority ... ..	7	5	4	16

## THE DELEGATION OF SERVICES WITHIN COUNTIES

### *Training of Staff*

With two exceptions, both of which occur in counties delegating services to one division only, the various delegation schemes provide for the training of staff being a central responsibility, subject to the right of the Divisional Committee or Divisional Medical Officer to make recommendations in appropriate cases.

## FINANCIAL ADMINISTRATION

### *Financial Estimates*

The variety of practices in connection with the preparation of estimates for the delegated services can be seen from the following summary :—

<i>Function</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
Annual Estimates drawn up on a Divisional basis :				
(a) Revenue Estimates ...	10	6	4	20
(b) Capital Estimates ...	3	1	—	4
No Divisional estimates prepared ... ..	—	3	7	10
Preparation of Annual Revenue Estimates by				
(a) Divisional Committees ...	4	4	3	11
(b) Divisional Committees in conjunction with County Authority ... ..	4	1	1	6
(c) County Council ... ..	2	1	—	3
Supplementary Estimates				
(a) Divisional Committees required to prepare and submit to County Authority	6	7	5	18
(b) Dealt with centrally ...	4	2	6	12

The majority of delegation schemes authorise the Divisional Committees to incur expenditure within the approved estimates. In many counties, however, limits ranging from £25 to £500 are imposed in relation to any single item and expenditure above these limits can only be incurred with the specific approval of the county authority.

The average time taken to have supplementary estimates approved by the county council varies from one month to three months.

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It is the general practice to prepare divisional estimates in a fair amount of detail in order to comply with the requirements of Section 86 of the Local Government Act, 1933, and yet avoid the specific reference of items exceeding £100 for the prior approval of the county council.

### *Accounting Records*

In twenty-five counties the final books of account relating to the delegated services are maintained centrally but in five counties in which the Divisional Committees operate over the area of a large non-county borough or urban district the detailed transactions are recorded in the district council's accounts and transferred to the accounts of the county council at the end of each financial year.

Subsidiary accounting records, such as individual debtors' accounts, salaries and wage records and petty cash books, are kept by all Divisional Committees in fourteen counties, but in five only have steps been taken by the county authority to introduce standardised forms. In one county such subsidiary records are kept by only one of the Divisional Committees, which operates over the area of a large urban county district. In the remaining sixteen counties no subsidiary accounting records are maintained in the divisions, apart from imprest accounts covering minor payments.

### *Costing Statements*

Costing statements are prepared centrally in all the counties, with the exception that in two counties the Divisional Committees, each of which covers the area of a large non-county borough, prepare statements for Day Nurseries in their area. In most counties the costing statements cover Day Nurseries, Occupation Centres and Ambulances.

It is the general practice in twelve counties for the individual statements to be considered centrally and also submitted to the Divisional Committees where the relevant local service has been delegated.

### *Comparison of Expenditure with Estimates*

Whereas in all counties periodical comparisons of current expenditure with estimates in relation to the delegated services are made centrally such comparisons are regularly made by Divisional Committees in twelve counties only. This reflects the relatively limited degree to which real financial responsibility has been delegated in the majority of counties.

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## *Mechanisation of Accounts*

Of the thirty counties, extensive mechanisation of accounts operates in twenty-three, while some mechanisation exists in three counties. In five counties mechanisation is operative in the Divisional Committee offices—in all these cases, however, the financial work is performed on behalf of the Committee in the district councils' finance departments.

## *Other Financial Matters*

Function	No. of Counties and Groups			
	Large	Medium	Smaller	Total
<i>Internal Audit</i>				
(a) Internal Audit undertaken by Divisional staffs ...	1	1	1	3
(b) Internal Audit undertaken jointly by County Council and District Council whose officers act for Divisional Committee ...	3	1	1	5
(c) Performed centrally ...	6	7	9	22
<i>Financial Regulations</i>				
(a) Separate financial regulations in force for delegated administration ...	1	—	1	2
(b) Financial regulations incorporated in scheme of delegation ...	7	2	1	10
(c) No specific financial regulations ...	2	7	9	18
<i>Payments made by Divisional Committees</i>				
(a) Majority of payments made by Divisional Committees ...	3	2	3	8
(b) Petty Cash and similar items only paid by Divisional Committees ...	4	3	3	10
(c) All payments made centrally ...	3	4	5	12
<i>Method of financing the expenditure of Divisional Committees</i>				
(a) Local imprest account ...	5	3	3	11
(b) Reimbursement after expenditure incurred ...	1	—	—	1
(c) Payments on account ...	1	2	2	5
(d) Advances on demand ...	—	—	1	1

## LOCAL HEALTH SERVICES

### *Delay in closing Accounts*

Only in one county is any delay experienced in the closing of accounts by reason of financial accounting being delegated to Divisional Committees.

### *Generally*

The extent to which the responsibility for accounting records has been delegated to Divisional Committees is relatively slight, both in relation to the number of counties and to the degree of delegation. This is due in some measure to the degree of mechanisation which exists in most of the counties.

### *Costs of Administration*

An attempt was made roughly to assess the overall degree of delegation to Divisional Committees by asking the individual counties to state what proportion of the total cost of administration (including medical, legal, financial and architectural) on the various local health services was spent on :—

- (a) Divisional administration
- (b) Central administration.

Twenty-two of the thirty counties answered this question and, while no definite conclusions can be reached from the results of this enquiry, the following statement shows the number of those counties in which the percentage of the total administrative costs relating to divisional administration fell within the groups indicated.

<i>Percentage Group</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
Up to 10 ... ..	—	2	2	4
Over 10 up to 25 ... ..	1	3	1	5
Over 25 up to 40 ... ..	1	2	2	5
Over 40 up to 55 ... ..	4	1	1	6
Over 55 up to 70 ... ..	2	—	—	2
Over 70 ... ..	—	—	—	—

## OTHER FORMS OF DELEGATION

### *(a) Voluntary Organisations*

While the enquiry made no specific reference to the extent of delegation to voluntary organisations, it should not be overlooked that in various counties certain functions of the local health authority are performed by such bodies on an agency basis. These cover a wide field as can be seen by reference to the following services



## THE DELEGATION OF SERVICES WITHIN COUNTIES

which, in some counties, are administered on behalf of the county authority by voluntary organisations :—

Administration of Infant Welfare Centres

Care of Illegitimate Children

Midwifery and Home Nursing

Ambulance and Hospital Car Services

Prevention of Illness, Care and After-Care

Domestic Help

Mental Health

### (b) *County District Councils*

It is interesting to observe that, despite the relatively slight degree of financial delegation throughout the majority of counties, special arrangements operate in thirteen of the thirty counties whereby district councils perform certain work in their areas on behalf of the county council chiefly in connection with the payment of wages to county employees and the collection of monies due to the county authority.

## CHAPTER IV

### Education

#### RELEVANT STATUTORY PROVISIONS

Part III of the First Schedule to the Education Act, 1944, provides for the establishment of divisional executives (unless the Minister is satisfied that they are unnecessary in relation to the area of any local education authority) in the following terms :—

“ For the purpose of securing that the functions of local education authorities will be exercised with due regard to the circumstances affecting different parts of their areas and with the co-operation of persons having special knowledge of such circumstances, provision shall be made by schemes (hereinafter referred to as ‘ schemes of divisional administration ’) for partitioning the areas of authorities into such divisions as may be conducive to efficient and convenient administration and for constituting bodies of persons (hereinafter referred to as ‘ divisional executives ’) for the purpose of exercising on behalf of the authorities, in such of the divisions as may be specified in the schemes, such functions relating to primary and secondary education as may be so specified :

If the council of any borough or urban district has, before the first day of October nineteen hundred and forty-four, lodged with the Minister a claim that the borough or district be excepted from any scheme of divisional administration to be made by a local education authority the Minister may direct that the borough or district shall be so excepted, and the Minister shall so direct if the borough or urban district fulfils either of the following conditions, that is to say :—

- (a) That the population thereof on the thirtieth day of June nineteen hundred and thirty-nine, as estimated and certified by the Registrar General, was not less than sixty thousand ; or
- (b) that on the thirty-first day of March nineteen hundred and thirty-nine the total number of pupils on the rolls of the public elementary schools in the area thereof was not less than seven thousand ;

so however that no such direction shall be given in the case of any borough or urban district which does not fulfil either of the said conditions unless the Minister, after consultation with the

local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the borough or urban district ought to be so excepted. Any borough or urban district which has been directed by the Minister to be so excepted as aforesaid is in this Part of this Schedule referred to as an excepted district."

The local education authority were required to make the scheme of divisional administration in respect of divisional executives ; in the case of excepted districts the scheme was to be made by the council of the district after consultation with the local education authority. All schemes were required to be submitted to the Minister for his approval.

Part III of the First Schedule sets out certain matters for which provision was to be made in every scheme of divisional administration, as follows :—

"Every scheme of divisional administration shall—

- (a) Provide for the constitution of every body which is to be a divisional executive for the purposes of the scheme, except where the scheme provides for the functions thereby delegated being exercised by the council of a borough or urban district as the divisional executive ;
- (b) define the functions which the several divisional executives specified therein, or in the case of a scheme for an excepted district the divisional executive, are thereby authorised to exercise on behalf of the local education authority ;
- (c) specify any conditions subject to which any divisional executives are so authorised ;
- (d) make such provision as may be expedient for empowering such executives to appoint committees and sub-committees and as to the matters to be referred to them ;
- (e) define the relationship between any such executive committee, or sub-committee, and the local education authority and committees and sub-committees thereof ;
- (f) provide for the determination by the Minister of any disputes between the local education authority and any divisional executive ;
- (g) make provision for the submission to the local education authority, by every divisional executive thereby authorised to exercise functions, of estimates of expenditure intended to be incurred by the executive on behalf of the authority and of accounts of expenditure so incurred ; and for

requiring such estimates and accounts to be subject to the approval of the authority ;

- (h) provide for such other matters as appear to the local education authority or council by whom the scheme is made to be expedient, or as the Minister may require.

Provided that no such scheme shall authorise any divisional executive to borrow money or to raise a rate."

Provision is also made for the making of a scheme of divisional administration relating to the exercise of further education functions by a divisional executive or excepted district.

## OBSERVATIONS OF LOCAL GOVERNMENT SIDE OF MANPOWER COMMITTEE

### "(a) *Introductory Remarks*

There are two limiting factors arising from the present legal position which have influenced consideration of the problems of excepted districts. These are :—

- (i) the size of the excepted district—60,000 population or 7,000 elementary school population—which must be accepted, and
- (ii) the statutory right of excepted districts to exist.

The ideal circumstances for delegation exist where there is a county district large enough and with the necessary characteristics to constitute a divisional executive alone. If a county district of this nature does not exist the following alternatives are available, dependent upon the circumstances of the particular county and the county district which it is proposed should receive delegation of education functions :—

- (i) A joint divisional executive having a focal centre such as a large town, thereby creating a catchment area extending to two or more county districts.
- (ii) Where there is a multiplicity of county districts, a joint divisional executive determined according to population and other factors ; this being particularly envisaged in comparatively densely populated areas where a focal point was unlikely to be clearly defined.
- (iii) Administration centred on the county council with appropriate safeguards to protect local interest.

Whatever machinery of administration may be devised, it is unquestionable that the fostering of local interest is particularly desirable in education.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

The local circumstances of different counties vary to such an extent that a recommendation cannot be made for general application under the existing law. Any effective recommendation would require statutory changes, which are outside the scope of the present enquiry. The existing relationships between county councils and county district councils have to be accepted, and delegation of functions applied to the present background of administration.

A recommendation as to the specific size of a divisional executive has not therefore been made and it is considered that it will be for the education schemes of the various counties which have to be approved by the Minister of Education, to determine having regard to the circumstances of a particular county, the form of administration and size of any divisional executive required for that county as suggested in the next paragraph.

### *(b) Conclusions*

#### *I. Administration*

In view of the present statutory position, the administration must conform to any one of the following five arrangements as are found today throughout the country :—

- (i) county council alone ;
- (ii) county council and an excepted district ;
- (iii) county council and divisional executives which were themselves covering the area of a local authority and no more ;
- (iv) county council and divisional executives which were joint bodies representative of more than one council ;
- (v) county council with an excepted district and/or divisional executive but with other areas coming under the direct control of the county council.

#### *II. Functions*

With the foregoing administrative background in mind, and subject to the special position of excepted districts, the responsibility to conduct various duties under the Education Act might be assigned as under :—

##### *No Delegation*

- (i) Teachers' training colleges.
- (ii) Technical and commercial colleges. Art schools.
- (iii) University and major awards in further education.
- (iv) Boarding education and awards to independent schools.
- (v) Provision of education in special schools.
- (vi) Agricultural education.

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- (vii) Acquisition of sites.
- (viii) Financial control.
- (ix) Establishment of staff, except as agreed.
- (x) Bulk purchases (including central contracting) so long as the county council can purchase more favourably. (With the exception of bulk purchases of equipment, an excepted district could have delegated powers for purchasing equipment and stores.)

### *Conditional Delegation*

The functions that could be delegated to an excepted district or divisional executive provided they were carried out in accordance with arrangements made by a county council, or subject to such conditions as the county council deemed necessary, or, in the case of new buildings, where the county council had prepared or approved the plans, are :—

- (i) Assessment and payment of teachers' salaries.
- (ii) School health service.
- (iii) The provision of special educational treatment for children after their ascertainment in accordance with Section 34 and the making of special arrangements under Section 56 of the Education Act, 1944.
- (iv) Repairs and maintenance of schools (this comes under this category in so far as the county council approves the estimates : otherwise it is an absolute delegation).
- (v) Construction of new schools.
- (vi) Administration of religious education functions of the local education authority except the preparation, adoption and re-consideration of an agreed syllabus, and excepting further the appointment of a Standing Advisory Council on Religious Education.
- (vii) Appointment and dismissal of officers, including teachers, subject to the right of appeal by a teacher to the local education authority in cases of dismissal.
- (viii) Organisation of adult education classes and physical training facilities.
- (ix) Provision of milk, meals, board and lodging, clothing and transport.

### *Absolute Delegation*

The following could be delegated absolutely to an excepted district or divisional executive :—

- (i) Assessment and payment of salaries (other than teachers' salaries) and wages.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

- (ii) Nursery schools.
- (iii) Youth service, except grants given on a county basis.
- (iv) Administration, management and control of evening institutes.
- (v) Purchases of equipment and stores (other than central purchases) and excepting the provision of furniture for new schools and other capital works of £5,000 and over.
- (vi) The discovery of children who may be handicapped and the procedure of ascertainment in accordance with Section 34 of the Education Act, 1944.
- (vii) Management of day special schools.
- (viii) Appointment and determination of appointment of some or all of the local education authority proportion of managers and governors of schools.
- (ix) User of school premises out of school hours for educational purposes.
- (x) Appointment of school maintenance staff within the establishment approved by the county council.
- (xi) Making and enforcement of school attendance orders.
- (xii) Routine medical inspection of children.
- (xiii) Provision and administration of school camps, holiday classes and recreational amenities.
- (xiv) The powers and duties to ensure cleanliness in accordance with Section 54 of the Education Act, 1944.
- (xv) Registration of school children.
- (xvi) Estimates of managers and governors.
- (xvii) Appointment of some or all of the local education authority representatives on boards of technical institutes.
- (xviii) Enforcement of the provisions of Sections 59 and 60 of the Education Act, 1944, relating to the employment of children and young persons.

In suggesting these allocations it is not intended that existing responsibilities of governors and managers should be disturbed to make them conform with these proposals. Any such rearrangement consequential upon these recommendations would be a matter of agreement as between all parties concerned."

## SUMMARY OF DELEGATION ARRANGEMENTS

Delegation to some degree is operative in thirty-six of the thirty-eight counties, the delegated functions being exercised by Excepted

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Districts in eighteen counties, by Divisional Executives in twenty-nine counties and by District Committees in ten counties. In fourteen counties the whole of the administrative area is covered by these minor bodies, whose numbers range from three to forty-five ; in the remaining twenty-two counties, a part of the area is directly administered from the central offices. The combinations of authorities exercising education functions within the areas of the thirty-six counties is shown in the following table.

<i>Combination of authorities exercising Education functions</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
1. Counties in which delegatee authorities cover the whole county :				
(a) Divisional Executives alone ... ..	1	1	—	2
(b) District committees alone	—	—	1	1
(c) Excepted Districts and Divisional Executives ...	6	—	—	6
(d) Divisional Executives and District Committees	1	1	—	2
(e) Excepted Districts and District Committees ...	—	1	—	1
(f) Excepted Districts, Divisional Executives and District Committees ...	2	—	—	2
2. Counties in which part of the area is administered centrally :				
(a) Excepted Districts, in conjunction with centrally administered area	—	2	2	4
(b) Divisional Executives, in conjunction with centrally administered area	—	3	7	10
(c) Excepted Districts and Divisional Executives in conjunction with centrally administered area	1	1	2	4
(d) Excepted Districts and District Committees in conjunction with centrally administered area	—	1	—	1
(e) Divisional Executives and District Committees in conjunction with centrally administered area	—	3	—	3
	11	13	12	36



The total number of minor authorities within a single administrative county varies from one (in no less than eleven counties) to forty-five.

The average area covered by divisional executives (other than those covering the area of one county district only) in the twenty-seven counties in which this type of authority exercises delegated educational functions is 63,870 acres, the extremes ranging from 4,461 acres to 459,453 acres. The average population covered by this type of minor authority is 85,838, the extremes ranging from 36,477 to 215,660.

The average area covered by a district committee in the ten counties which have delegated functions to this type of minor authority is 47,020 acres, the extremes ranging from 1,340 acres in a highly urbanised county to 612,010 acres in a sparsely populated rural county. The average population is 23,613, ranging from 5,110 to 78,117.

Approximately one-half of the divisional executive areas have been fixed to coincide with the boundaries of one or more county districts. In the case of district committees the proportion is higher.

### *District Committees*

In seven of the ten counties which have established district committees there is a defined scope of delegation governing the administration of delegated functions. The powers and duties of these district committees vary considerably as between the different counties. In some the district committees possess powers and duties similar to those of divisional executives, even within the same county possessing both types of authority ; in other counties the district committees possess strictly limited powers.

### *Constitution of Delegatee Authorities*

The total number of members on Excepted Districts varies from 21 to 30 ; on Divisional Executives from 20 to 37 and on District Committees from 14 to 24. In the great majority of cases the county district representatives are in an absolute majority over all other members. In all counties except three the various schemes make provision for the co-option of members.

The calculation of a simple average of the numbers serving on the various delegatee authorities in the thirty-six counties gives the following figures :—

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	<i>Excepted Districts</i> (18 counties)	<i>Divisional Executives</i> (29 counties)	<i>District Committees</i> (10 counties)
Number of representatives appointed by :			
County Council	4	7	9
County District Councils	18	16	6
	—	—	—
	22	23	15
Co-opted Members	4	6	4
	—	—	—
	26	29	19
	==	==	==

The term of office of members varies from one year (mainly Excepted Districts) to three years (mainly Divisional Executives and District Committees). In all counties except one (in relation to District Committees only) powers are given to the various classes of delegatee bodies to appoint committees and sub-committees for the discharge of their functions.

### *Meetings of Delegatee Authorities*

All twenty-nine counties which have delegated powers to Divisional Executives have prescribed regulations governing the meetings and proceedings of the Divisional Executives. In no case has the county council prescribed regulations governing the meetings and proceedings of Excepted Districts, as the council of the district concerned is itself the delegatee authority.

Regulations have been prescribed in the case of eight of the ten counties having District Committees. In the remaining two counties the powers and duties of District Committees are set out in the Standing Orders of the county council.

As regards frequency of meetings, the replies indicate that excepted districts in all counties meet monthly, as do Divisional Executives in sixteen counties and District Committees in seven counties; Divisional Executives in seven counties and District Committees in two counties meet quarterly, while Divisional Executives in the remaining six counties and District Committees in one county meet at intervals which vary from six to nine times a year.

All Divisional Executives and the great majority of District Committees are required to send copies of minutes of meetings to the

## THE DELEGATION OF SERVICES WITHIN COUNTIES

local education authority; in ten of the eighteen counties affected excepted districts also are required to follow this procedure.

The extent to which the delegatee authorities are represented on the County Education Committee is shown below :—

	<i>Excepted Districts</i>	<i>Divisional Executives</i>	<i>District Committees</i>
(a) Delegatee authorities represented	8	15	3
(b) Not so represented	10	14	5
	—	—	—
	18	29	*8
	==	==	==

\*No information in respect of two counties.

## EXTENT OF DELEGATION

The extent of the delegation of specific educational functions in the thirty-six counties is summarised in the following tables. For purposes of contrasting the factual position in the counties with the suggestions made by the Local Government side of the Manpower Committee (reproduced on pages 44 to 46), the various functions have been shown in four groups, namely:—

- Group A. Those functions which, it has been suggested, are not appropriate for delegation.
- Group B. Those which have been suggested as appropriate for delegation, provided they are carried out in accordance with arrangements made by the county council.
- Group C. Those suggested as appropriate for absolute delegation.
- Group D. Other functions, to which no specific reference was made by the Local Government side of the Manpower Committee.

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## Extent of Delegation

Specific function or Duty	COUNTIES WITH									Remarks
	(a) Excepted Districts			(b) Divisional Executives			(c) District Committees			
	Yes	No	Not Applicable	Yes	No	Not Applicable	Yes	No	Not Applicable	
A. <i>Functions which have been suggested as not appropriate for Delegation</i>										
Management of Technical and commercial colleges ...	6	12	—	3	25	1	—	8	2	There are no major technical institutions in the areas covered by delegatee bodies where marked "not applicable."
University and major awards in Further Education ...	—	18	—	1	28	—	—	10	—	
Boarding education ...	2	16	—	2	26	1	—	10	—	
General control and management of Residential Special Schools ...	1	9	8	1	23	5	—	10	—	There are no special schools in the areas covered by delegatee bodies where marked "not applicable."
Acquisition of land and buildings ...	3	15	—	—	29	—	—	10	—	
B. <i>Functions which have been suggested as appropriate for conditional Delegation</i>										
Assessment of teachers' salaries ...	15	3	—	14	15	—	1	9	—	
Payment of teachers' salaries ...	17	1	—	4	25	—	—	10	—	
Maintenance of School Health Service generally ...	14	4	—	5	24	—	—	10	—	
The provision of medical services other than at school, under Section 56 of Education Act, 1944 ...	17	1	—	6	23	—	2	8	—	
Repairs and maintenance of schools (except where this is a matter for Managers and Governors of Schools) ...	18	—	—	27	2	—	3	7	—	
Maintenance of playing fields ...	16	2	—	18	11	—	1	9	—	
Construction and adaptation works ...	11	7	—	2	27	—	—	10	—	
Administration of religious education functions of the local education authority, except the preparation, etc., of an agreed syllabus ...	18	—	—	22	7	—	4	6	—	
Organisation of adult education classes (other than in evening institutes) ...	8	9	1	7	21	1	—	8	2	There are no community centres in the areas covered by delegatee bodies where marked "not applicable."
Administration and management of community centres	9	3	6	4	17	8	1	7	2	

## THE DELEGATION OF SERVICES WITHIN COUNTIES

local education authority; in ten of the eighteen counties affected excepted districts also are required to follow this procedure.

The extent to which the delegatee authorities are represented on the County Education Committee is shown below :—

	<i>Excepted Districts</i>	<i>Divisional Executives</i>	<i>District Committees</i>
(a) Delegatee authorities represented	8	15	3
(b) Not so represented	10	14	5
	—	—	—
	18	29	*8
	==	==	==

\*No information in respect of two counties.

## EXTENT OF DELEGATION

The extent of the delegation of specific educational functions in the thirty-six counties is summarised in the following tables. For purposes of contrasting the factual position in the counties with the suggestions made by the Local Government side of the Manpower Committee (reproduced on pages 44 to 46), the various functions have been shown in four groups, namely:—

- Group A. Those functions which, it has been suggested, are not appropriate for delegation.
- Group B. Those which have been suggested as appropriate for delegation, provided they are carried out in accordance with arrangements made by the county council.
- Group C. Those suggested as appropriate for absolute delegation.
- Group D. Other functions, to which no specific reference was made by the Local Government side of the Manpower Committee.

## Extent of Delegation

Specific Function or Duty	COUNTIES WITH										Remarks
	(a) Excepted Districts			(b) Divisional Executives			(c) District Committees				
	Yes	No	Not Applicable	Yes	No	Not Applicable	Yes	No	Not Applicable		
A. Functions which have been suggested as not appropriate for Delegation											
Management of Technical and commercial colleges ...	6	12	—	3	25	1	—	8	2	There are no major technical institutions in the areas covered by delegate bodies where marked "not applicable."	
University and major awards in Further Education ...	—	18	—	1	28	—	—	10	—	There are no special schools in the areas covered by delegate bodies where marked "not applicable."	
Boarding education ...	2	16	—	2	26	1	—	10	—		
General control and management of Residential Special Schools ...	1	9	8	1	23	5	—	10	—		
Acquisition of land and buildings ...	3	15	—	—	29	—	—	10	—		
B. Functions which have been suggested as appropriate for conditional Delegation											
Assessment of teachers' salaries ...	15	3	—	14	15	—	1	9	—		
Payment of teachers' salaries ...	17	1	—	4	25	—	—	10	—		
Maintenance of School Health Service generally ...	14	4	—	5	24	—	—	10	—		
The provision of education otherwise than at school, under Section 56 of Education Act, 1944 ...	17	1	—	6	23	—	2	8	—		
Repairs and maintenance of schools (except where this is a matter for Managers and Governors of Schools) ...	18	—	—	27	2	—	3	7	—		
Maintenance of playing fields ...	16	2	—	18	11	—	1	9	—		
Construction and adaptation works ...	11	7	—	2	27	—	—	10	—		
Administration of religious education functions of the local education authority, except the preparation, etc., of an agreed syllabus ...	—	—	—	22	7	—	4	6	—		
Organisation of adult education classes (other than in evening institutes) ...	8	9	1	7	21	1	—	8	2	There are no community centres in the areas covered by delegate bodies where marked "not applicable."	
Administration and management of community centres	9	3	6	4	17	8	1	7	2		

## Extent of Delegation (continued)

Specific Function or Duty	COUNTIES WITH										Remarks
	(a) Excepted Districts			(b) Divisional Executives			(c) District Committees				
	Yes	No	Not Applicable	Yes	No	Not Applicable	Yes	No	Not Applicable		
Provision of milk, meals and other refreshments	18	—	—	27	2	—	5	5	—	There are no nursery schools or classes in the areas covered by delegatee bodies where marked "not applicable." Some replies indicate that, despite general delegation, the training of nursery students is specifically reserved as a central responsibility.	
Provision of board and lodging under Section 50 of Education Act, 1944	15	3	—	3	25	1	—	10	—		
Provision of essential clothing	18	—	—	27	1	1	4	5	1		
Provision of transport and other facilities :											
(a) Provision of transport	18	—	—	24	5	—	5	5	—		
(b) Payment of travelling expenses where no transport arrangements are made	18	—	—	24	5	—	3	7	—		
<i>Functions which have been suggested as appropriate for absolute Delegation</i>											
Payment of salaries (other than teachers' salaries) and wages :											
(i) Administrative staff	16	2	—	3	26	—	—	10	—		
(ii) Other staff in schools (e.g., cleaners, school meals employees)	17	1	—	7	22	—	—	10	—		
General control and management of :											
(a) Nursery Schools	14	—	4	21	2	6	4	4	2		
(b) Nursery classes	15	—	3	25	1	3	5	3	2		
Administration of Youth Service	14	4	—	7	22	—	3	7	—	Generally purchases may only be made within the limits of approved allowances. In some counties the delegatee bodies must place their orders with contractors approved centrally.	
Administration, management and control of evening institutes	14	4	—	11	18	—	2	8	—		
Purchases of equipment and stores (other than central purchases)	18	—	—	25	4	—	4	6	—		

The discovery of children who may be handicapped and the procedure of ascertainment in accordance with Section 34 of the Education Act, 1944...	17	1	—	19	10	—	4	6	—	In a number of counties the delegated powers specifically exclude the making of arrangements for residential special educational treatment.
Management of day special schools ...	12	1	5	9	10	10	1	6	3	There are no special schools in the areas covered by delegatee bodies where marked "not applicable."
Appointment and determination of appointment of some or all of local education authority proportion of managers and governors of schools ...	17	1	—	17	12	—	4	6	—	
User of school premises out of school hours for educational purposes ...	18	—	—	25	4	—	7	3	—	
Making and enforcement of school attendance orders ...	18	—	—	26	3	—	5	5	—	
Routine medical inspection of children ...	18	—	—	21	8	—	3	7	—	
Provision and/or administration of school camps and holiday classes ...	14	2	2	7	19	3	1	9	—	
Other recreational amenities : (a) Provision and/or maintenance of playing fields not attached to schools ...	18	—	—	18	10	1	3	7	—	
(b) Swimming instruction to school children ...	18	—	—	26	2	1	4	6	—	
The powers and duties to ensure cleanliness in accordance with Section 54 of the Education Act, 1944 ...	17	1	—	18	11	—	3	7	—	
Registration of school children ...	18	—	—	23	6	—	6	4	—	
Approval of estimates of managers and governors ...	18	—	—	29	—	—	4	5	1	
Appointment of some or all of local education authority representatives on boards of technical institutes	7	9	2	2	26	1	—	10	—	
Enforcement of Section 59 of the Education Act, 1944, relating to the employment of children and young persons ...	18	—	—	24	5	—	4	6	—	
D. Other Functions Aids to students under Section 81 of the Education Act, 1944 :										
(i) Awards of other than university and major awards (e.g., maintenance allowances) ...	7	11	—	6	23	—	1	9	—	
(ii) Payment of expenses to enable children to take part in out-of-school activities ...	17	1	—	18	11	—	3	7	—	
(iii) Provision of distinctive clothing ...	15	2	1	15	11	3	2	7	1	There are no arrangements for the provision of distinctive clothing in certain counties where marked "not applicable."



*Extent of Delegation (continued)*

Specific Function or Duty	COUNTIES WITH									Remarks
	(a) Excepted Districts			(b) Divisional Executives			(c) District Committees			
	Yes	No	Not Applicable	Yes	No	Not Applicable	Yes	No	Not Applicable	
The duty of keeping the educational needs of the respective areas under review and of submitting proposals for meeting those needs to the local education authority ... ..	18	—	—	29	—	—	8	2	—	In a number of counties the delegated powers do not extend to grammar schools which are dealt with centrally.
The duty of advising the local education authority regarding provision of new schools, extensions and improvements to existing schools and the discontinuance of schools ... ..	18	—	—	29	—	—	8	2	—	
The making of arrangements for the admission and transfer of pupils to schools ... ..	18	—	—	29	—	—	6	4	—	
The duty of inspecting the minutes of meetings of managers and governors ... ..	18	—	—	26	3	—	5	4	1	In the majority of areas any necessary action on normal matters arising from the reports may be taken by the delegatee body. Recommendations to the L.E.A. are, however, necessary in six counties (Divisional Executives) and three counties (District Committees).
Supervision of the visiting of children boarded out under the provisions of Section 50 of the Education Act, 1944 ... ..	15	3	—	7	18	4	1	7	2	
Powers and duties relating to reports to local authorities under the Mental Deficiency Acts, in accordance with the provisions of Section 57 of the Education Act, 1944 ... ..	16 18	2 —	— —	4 23	25 6	— —	— 6	10 4	— —	
Arrangements for school holidays and school hours ... ..										
Consideration of reports of H.M. Inspectors on schools, the taking of any necessary action and making recommendations to the local education authority ... ..	18	—	—	28	1	—	7	3	—	
Dealing with cases of pupils suspended for misconduct ... ..										
The insurance of education properties ... ..	18 —	— 18	— —	25 1	4 28	— —	4 —	6 10	— —	

In a number of counties the delegated powers do not extend to grammar schools which are dealt with centrally.

In the majority of areas any necessary action on normal matters arising from the reports may be taken by the delegatee body. Recommendations to the L.E.A. are, however, necessary in six counties (Divisional Executives) and three counties (District Committees).

The enquiry from the thirty-six counties made no specific reference to Teachers Training Colleges and Agricultural Education but it is probable that, as envisaged by the Local Government side, no delegation of powers has been granted in connection with these services.

The following functions, in connection with which suggestions have been made by the Local Government side, are commented upon in some detail at a later stage in this review :—

Financial Control

Staff Establishment

Bulk purchasing

Appointment of teaching, administrative and other staff.

## *Extension or restriction of delegated functions*

Only five counties have made any amendments to their original schemes of delegation. In all cases these have taken the form of an extension of powers of the delegatee authorities, chiefly in connection with Evening Institutes and the appointment of administrative staff.

In one large county the Ministry of Education approved steps taken by the county council under Ministry of Education Circular 210, issued in October, 1949, to reduce materially the number of divisional executives.

## *Some points of principle*

In six counties periodical meetings take place between representatives of the county council and of the delegatee authorities to discuss general or particular aspects of the delegation arrangements. Meetings of officers are a feature in most counties while, in many counties, it is found that the necessary liaison and understanding with Divisional Executives and District Committees can be secured through the members of the Education Committee who are also members of those bodies.

The average extent of the interval between the consideration of matters by the delegatee authority and the communication of the decision of the county authority varies between one and three months, dependent upon the dates of meetings. In the great majority of counties steps have been taken to expedite the consideration of urgent recommendations made by the delegatee authorities, mainly by special authority being given to the Chairmen of the appropriate county committees and sub-committees.

## APPOINTMENT, TRANSFER AND DISMISSAL OF STAFF

### *Staff Establishments*

Only in one county is the delegatee authority (an Excepted District) permitted to determine the staff establishment relating both to administration and to schools. In a second county, staff establishments for schools only may be fixed by the delegatee authority (also an excepted district). In all other counties the staffing establishments are determined centrally.

### *Appointment of Administrative Staff*

In the majority of counties, Excepted Districts and Divisional Executives are authorised to appoint administrative staff where the annual remuneration falls below a specific maximum. Divisional Education Officers and those administrative staff whose salaries exceed the specific limits are, in the main, appointed by the county council—in the majority of cases on the recommendation or nomination of a joint committee, which consists of members of the local education authority and members of the Excepted District or Divisional Executive. In four counties, the Excepted Districts are empowered to appoint their Education Officer, subject to the list of candidates being approved by the county council.

Only one county delegates the appointment of all administrative staff to the delegatee authority without qualification. On the other hand, in only three cases is the right of appointment of administrative staff reserved wholly to the county council.

Four of the ten counties with District Committees reserve the right to appoint administrative staff. In three counties the appointment of all such staff, with the exception of the Education Officer, is delegated to the District Committee. In three counties the District Committees act mainly in an advisory capacity and the necessary administrative work is performed by central office staff.

### *Appointment of Teaching Staff*

The diversity of practice as regards the appointment of teachers is very great, not only as between one county and another but even within the same county. The practice also varies considerably having regard to the type of teacher to be appointed, i.e. whether a head teacher or an assistant teacher and whether in Primary or in Secondary Schools.

In those counties in which the delegatee authorities are permitted to appoint teaching staff the power may be :—

- (a) delegated absolutely ;

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- (b) delegated subject to the recommendation of a joint committee on which the local education authority is represented ;
- (c) delegated subject to the approval of a list of candidates drawn up by the local education authority, or
- (d) delegated subject to consultation with the central authority.

Where the right of appointment is reserved to the central authority there is, in the majority of counties, a specified qualification that the appointment shall be on the recommendation of the delegatee authority or of a joint committee on which the delegatee authority is represented.

In many cases appointments are made by Managers or Governors or even by the head teacher, subject to confirmation by the delegatee authority or county authority. In other cases Managers and Governors are frequently represented on a joint committee which is empowered to appoint or to make recommendations leading to the appointment.

Subject to all these qualifications, the following tables give a broad indication of the position in the various counties :—

### *Head Teachers*

	<i>Primary Schools</i>			<i>Secondary Schools</i>		
	<i>Excepted District</i>	<i>Divisional Executive</i>	<i>District Committee</i>	<i>Excepted District</i>	<i>Divisional Executive</i>	<i>District Committee</i>
Appointment made by the delegatee authority generally	16	12	1	13	10	1
Appointment made by a joint committee ... ..	2	6	—	3	8	—
Appointment made by the Local Education Authority generally ... ..	—	11	9	2	11	9
	18	29	10	18	29	10

### *Assistant Teachers*

	<i>Primary Schools</i>			<i>Secondary Schools</i>		
	<i>Excepted District</i>	<i>Divisional Executive</i>	<i>District Committee</i>	<i>Excepted District</i>	<i>Divisional Executive</i>	<i>District Committee</i>
Appointment made by the delegatee authority generally	18	27	4	18	28	4
Appointment made by the Local Education Authority generally ... ..	—	2	6	—	1	6
	18	29	10	18	29	10

## THE DELEGATION OF SERVICES WITHIN COUNTIES

In the majority of counties any delegated powers of appointment are subject to the right of the local authority to fill a vacancy by transfer from one part of the county to another and, in the case of assistant teachers, to place new entrants in such schools as they think appropriate.

### *Appointment of Other Staff in Schools (e.g., Caretakers, Cleaners, School Meals Workers)*

In all counties the power of appointment is delegated to the Excepted Districts and in the great majority of counties similar delegated powers are given to Divisional Executives and to District Committees. In three counties the administration of the School Meals service has not been delegated to Divisional Executives and the appointment of canteen staffs is dealt with centrally. In only two counties is the power of appointment of other school staff reserved to the central authority, the delegatee authorities in these counties being District Committees.

### *Transfer of Staff*

The number of counties in which power has been reserved to the central authority whereby they may transfer staff working within the jurisdiction of a delegatee authority to another area within the county is shown below :—

	<i>No. in which power to transfer staff reserved</i>
Number of counties with Excepted Districts (out of 18) ... ..	10
Divisional Executives (out of 29) ... ..	25
District Committees (out of 10) ... ..	5

It should be pointed out that this power is rarely exercised in the great majority of the counties concerned.

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## Dismissal of Staff

The general position is set out in the following tables :—

	Counties with		
	Excepted Districts	Divisional Executives	District Committees
<i>Administrative Staff</i>			
(a) Power of dismissal delegated without any stated qualifications ... ..	4	3	—
(b) Power of dismissal delegated, except with regard to the Education Officer ... ..	2	6	1
(c) Power of dismissal delegated in relation to all staff with the exception of the Education Officer and officers in receipt of salaries over a specified maximum ... ..	8	2	—
(d) Power of dismissal reserved to the County Council without any stated qualification ...	—	—	2
(e) Power of dismissal retained by County Council, but subject to recommendation of the delegatee authority ... ..	4	17	4
	18	28	7
<p><i>Note :</i> In one county no administrative staff have been appointed to the Divisional Executive. In three of the counties which have District Committees these bodies act only in an advisory capacity and have no administrative staff.</p>			
<i>Teaching Staff</i>			
(a) Power of dismissal delegated without any stated qualification	8	2	—
(b) Power of dismissal retained by the County Council without any stated qualification ...	—	1	6
(c) Power of dismissal retained by County Council, subject to recommendation of the delegatee authority ... ..	10	26	4
	18	29	10

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## Dismissal of Staff (continued)

	Counties with		
	Excepted Districts	Divisional Executives	District Committees
<i>Non-Teaching Staff in Schools</i>			
(a) Power of dismissal delegated absolutely ... ..	16	25	4
(b) Power of dismissal retained by the County Council without any stated qualification ...	—	1	4
(c) Power of dismissal retained by the County Council, subject to recommendation of the delegatee authority ... ..	2	3	2
	18	29	10

## ADMINISTRATIVE AND FINANCIAL STAFF

The following statement shows the number of delegatee authorities with separate staffs for :—

- (a) general administration and
- (b) financial administration.

	Separate Staffs for		Joint Staffs for Both
	General Administration	Financial Administration	
Counties with Excepted Districts (out of 18) ... ..	18	18	—
Counties with Divisional Executives (out of 29) ... ..	26	9	2
Counties with District Committees (out of 10) ... ..	3	—	2

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## FINANCIAL ADMINISTRATION

### (i) Financial Estimates

	Counties with		
	Excepted Districts (out of 18)	Divisional Executives (out of 29)	District Committees (out of 10)
<i>Annual Estimates drawn up on a Divisional or District basis :</i>			
(a) Revenue Estimates ... ..	18	29	4
(b) Capital Estimates ... ..	15	9	1
<i>Method of preparation of Revenue Estimates</i>			
(a) Prepared centrally for consideration of delegatee authority ... ..	—	5	2
(b) Prepared by delegatee authority on outline working papers prepared centrally ... ..	3	9	1
(c) Prepared in conjunction with central departments ... ..	1	7	1
(d) Prepared entirely by delegatee authority ... ..	14	8	—
<i>Supplementary Estimates</i>			
(a) Delegatee authorities required to prepare and submit in respect of all overspendings ...	5	23	4
(b) In respect of overspendings exceeding specified limit ...	13	4	—
(c) No requirement to submit supplementary estimates ...	—	2	—

While there are wide variations as to the dates on which estimates are considered, in the majority of counties the Managers and Governors of schools consider estimates in September/October for approval by the delegatee authorities in October/November. These are then submitted for the consideration of the central authority in December. The majority of delegation schemes authorise the delegatee authorities to incur expenditure within approved estimates without further approval. In certain counties, however, limits ranging from £50 to £1,000 are imposed in relation to any single item and expenditure above these limits can only be incurred with the specific approval of the county authority.

The average time taken to have supplementary estimates approved by the county council varies from two to three months. It is the



general practice to prepare divisional or district estimates in a fair amount of detail in order to comply with the requirements of Section 86 of the Local Government Act, 1933, and yet avoid the specific reference of items exceeding £100 for the prior approval of the county council.

(ii) *Accounting Records*

In sixteen of the eighteen counties which have Excepted Districts, the latter prepare complete accounts for the delegated services and, in the majority of cases, submit a copy of the education account to the local education authority at the end of each year. In the two remaining counties the final accounts are maintained centrally and subsidiary accounting records only are kept by the Excepted Districts.

In three of the twenty-nine counties with Divisional Executives complete accounts and annual copies of the education account are prepared by these bodies. In fifteen counties subsidiary accounting records are kept by the Divisional Executives and in the remaining eleven counties little or no accounting work is apparently performed in the divisions. It should, however, be pointed out that the position in particular counties varies as between one Divisional Executive and another. In the case of counties with District Committees all accounting is performed centrally.

*Costing Statements*

In fourteen counties Excepted Districts are responsible for the preparation of detailed costing statements and in three counties only this responsibility is placed upon Divisional Executives. In two counties, although the Excepted Districts prepare final accounts in relation to the delegated services any costing statements are prepared centrally. In all the other counties costing statements are prepared by the county authority.

*Delay in closing accounts*

Only in four counties is any delay experienced in the closing of the accounts by reason of financial accounting being wholly or partially delegated to Excepted Districts and Divisional Executives.

*Degree to which financial work is performed centrally*

In most counties the delegatee authorities are responsible for the certification and in some cases the coding of accounts for payment

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and also for keeping imprest accounts. The following statement, however, broadly indicates the extent to which financial work is divided between the central authority and the delegatee authorities:—

	<i>Counties with</i>		
	<i>Excepted Districts</i>	<i>Divisional Executives</i>	<i>District Committees</i>
Substantially all financial work carried out centrally ... ..	—	25	10
Financial work performed by delegatee authorities but following functions dealt with centrally on their behalf:—			
(a) Income and Expenditure analysis ... ..	—	3*	—
(b) Preparation of payrolls ... ..	1	3*	—
(c) Drawing and/or dispatch of cheques ... ..	—	3*	—
All financial work performed by delegatee authorities ... ..	17	1	—
*Note: These three counties are the same			

## *Method of financing expenditure of delegatee authorities*

In the following summary, which shows the various methods of financing the expenditure of the delegatee authorities, the number of counties has been restricted to those in which the Excepted Districts or Divisional Executives pay all or practically the whole of the expenditure.

	<i>Excepted Districts</i>		<i>Divisional Executives</i>
	<i>Revenue</i>	<i>Capital</i>	<i>Revenue</i>
Local Imprest Account ... ..	1	1	—
Reimbursement after payments made ... ..	—	4	—
Payments on account ... ..	6	4	—
Advances on demand ... ..	11	4	2
	18	13	2

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## Other Financial Matters

<i>Functions</i>	<i>Counties with</i>		
	<i>Excepted Districts</i>	<i>Divisional Executives</i>	<i>District Committees</i>
<i>Financial Regulations</i>			
(a) Financial regulations incorporated in scheme of delegation ... ..	18	28	2
(b) Separate financial regulations in force for delegated administration ... ..	—	1	—
(c) No specific financial regulations ... ..	—	—	8
<i>Internal Audit</i>			
(a) Internal audit undertaken by staff of delegatee authority ...	18	2	—
(b) Internal audit carried out by staff of central authority—			
(i) comprehensive audit ...	—	9	2
(ii) audit restricted to test checking ... ..	—	15	3
(iii) comprehensive income audit — otherwise test checking only ... ..	—	3	—
<i>Payments of Accounts, etc.</i>			
(a) delegatee authorities examine, certify and pay ... ..	18	2	—
(b) delegatee authorities examine and certify accounts but payment made centrally ...	—	27	5
(c) examination, certification and payment of accounts dealt with centrally ... ..	—	—	5
<i>Collection of Income</i>			
(a) Delegatee authorities responsible for collection of income	18	19	4
(b) Central authority responsible for collection of income ...	—	10	6

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### *Schools Meals Costs*

The answers to an enquiry as to whether a check on school meals costs is exercised by the delegatee authorities are summarised below:—

	<i>Counties with</i>		
	<i>Excepted Districts</i>	<i>Divisional Executives</i>	<i>District Committees</i>
(a) Delegatee authority applies regular checks ... ..	13	2	—
(b) Any examination performed centrally ... ..	5	27	10
	18	29	10

### OTHER FORMS OF DELEGATION

In four counties special arrangements operate whereby county district councils perform certain work in their area on behalf of the local education authority, chiefly in connection with the payment of wages.

## CHAPTER V

# Town and Country Planning

### RELEVANT STATUTORY PROVISIONS

The Town and Country Planning Act, 1947, provides that the local planning authority for the purposes of the Act shall, for each county or county borough, be the council of that county or borough, but Section 34 of the Act enables the Minister to make regulations, after consultation with local authorities whom he considers appropriate, or their associations, for delegating the functions of local planning authorities to county district councils. The delegation may apply with or without any restrictions to any such functions, and may apply generally to all local planning authorities (other than county borough councils) or to such of those authorities as are specified in the regulations. Where the local planning authority is a joint planning board, the powers of delegation can extend to county councils and county borough councils in the area of the joint board. The regulations may provide that a council can be required to accept delegation for transferring to a council any liability of the local planning authority to pay compensation under Part III and for the transfer and compensation of officers.

The Minister has exercised the powers conferred on him by Section 34 of the Act by making the "Town and Country Planning (Authorisation of Delegation) Regulations, 1947". These regulations authorise, but do not require, county councils to enter into agreements with county districts in their area to delegate to the councils of county districts any of the Part III functions of the Act, including any liability of the local planning authority to pay compensation under Part III or Part VIII of the Act in respect of anything done by the council in the exercise of its functions and for the transfer of compensation of any officers of the local planning authority of the council, subject to restrictions and reservations as may be set out in the agreements which must be approved by the Minister. Similar provision is made in the regulations where the local planning authority is a joint planning board for delegation to county and county borough councils.

### VIEWS OF GOVERNMENT DEPARTMENTS

The present arrangements concerning delegation under the Act are of a temporary nature. In Circular No. 37, issued with regulations, it was emphasised that the arrangements relate to delegation

during the period before development plans have been prepared and that fresh consideration will need to be given to the question of delegation when a development plan has been approved for any area. The Minister expressed the view that, during the period before the development plans were prepared, outright delegation would not be appropriate, but stated that he would consider such proposals provided he was satisfied that the development plan would not be prejudiced. He would probably require applications relating to scattered development in rural areas or to mineral development to be reserved to the county council by the terms of the delegation instrument.

The Regulations applicable to delegation were widely drawn since the Minister wished to allow the maximum variation according to local circumstances. The view was expressed that interim delegation schemes should :—

- (a) give the county council sufficient control over development applications to ensure that the proposed development plan is not prejudiced;
- (b) provide machinery for dealing rapidly with applications while making full use of the local knowledge and experience of members of county district councils ;
- (c) be acceptable both to the county council and to the county district councils.

## OBSERVATIONS OF LOCAL GOVERNMENT SIDE OF MANPOWER COMMITTEE

### *“(a) Introductory Remarks*

Consideration has been given to the relative merits of delegation and devolution as methods whereby county districts could exercise planning functions. Either could exist in a county, and equally they could operate side by side in one county. Delegation is felt generally to be the method to adopt in the future, but where it is agreed between the county council and the county district councils that devolution is more appropriate, having regard to local conditions, it should be a scheme of devolution which takes the form of the constitution of the plans committee of the county district council as a sub-committee of the county planning committee. Then the county district council themselves nominate members for appointment to the area or divisional committee.

There may, however, be exceptional areas where there is at present centralisation and for which full delegation would not be acceptable. The possibility is not ruled out, however, of the

county council and the county district councils agreeing that neither delegation nor devolution is acceptable and that centralisation would be the most advantageous method within that particular county.

Delegation should, it is considered, be to the county district council and not to an area or divisional committee, although these committees in certain circumstances and in certain areas serve a useful purpose particularly for consideration of an advice on development plans and difficult or disputed development proposals.

In addition to the reason indicated below, two reasons appear to justify the extension of delegation to the smallest unit of a county district. First, such bodies have staff to deal with building bye-laws and are therefore able to deal with comparative matters in planning and, secondly, local contact is regarded as most desirable in planning affairs as between the ratepayers and their technical advisers on the one hand and the planning officials on the other.

Whatever the extent of delegation, it is always subject to the right of the county council to request that any application for development should, in the public interest, be referred to them. There is the corresponding right of the county district to refer to any matter, though delegated, to the county council for consideration and decision.

The need for mutual confidence between the county council and county districts, whether as between staff or committee members, needs to be stressed. This is particularly necessary in the preparatory stages of making a development or control map, for county districts can assist greatly in this work and thereby save the employment of more staff by the county council. It appears, furthermore, that this mutual confidence can be fostered at area or divisional committee levels, where contact is made between district council representatives and the county advisers. These committees could generally not be regarded as a necessity but the evidence available justified their existence where local conditions required them.

(b) *Conclusions*

I. *Administration*

*Delegation*

Subject to the limitations placed upon the extent of delegation of functions under Part III of the Town and Country Planning Act, 1947, there should be full delegation

to county districts, with the right reserved to the county council to request that any case requiring special consideration should be referred to the county council for decision, and such delegation should not prohibit any county district from submitting any case for determination by the county council.

### *Devolution*

Where it is agreed that devolution is more appropriate than delegation, it should be a scheme of devolution such as is referred to above with functions allocated to the plans committee of the county district council as suggested below.

### *Centralisation*

In the absence of agreement for delegation or devolution, there may be circumstances in a particular county that justify centralisation.

### *Administrative machinery*

It is the duty of both the county council and the county districts so to arrange their meetings that applications for planning consent may be dealt with and a decision given before the expiration of two months. If this requires further delegation of powers to the committees or sub-committees of the respective councils, then this should be done.

### *Area or divisional committees*

These serve a useful purpose, but their creation should be a matter of local decision.

### *Staff*

There must be a competent and complete staff on the county council to do effectively all work, and to that staff the district council should turn for assistance when they have not the requisite qualified and competent staff. Equally the county council should use the county district staff, especially in the preparation of development plans. Mutual confidence must be fostered. Where the county district council have not the requisite staff the county planning staff should act as the advisers of the county district council. Unless agreed by the county council no question should arise of the creation by the county district council of a specialist establishment for this purpose.



*Inspection of development*

The county district council should, through their own staff, keep watch over development within their area, and ensure its effective inspection, reporting to the appropriate authority any unauthorised development.

*Appeals*

Notwithstanding that there are varying arrangements throughout the country as to the conduct of appeals, it is thought that their conduct should be referred to the clerk of the county district council subject to the right of the clerk of the county council to call in the papers and act, and subject also to the right of the clerk of the county district council to refer the appeal to the clerk of the county council.

*Finance*

Where powers have been delegated, it would be preferable for the county district council to meet their own administrative expenditure as the inter-payment for services of staff is considered to be a wasteful and unnecessary system.

II. *Functions*

*Application for planning permission*

The county district council should act in accordance with a "Control Map" showing the broad outline of the use of land. The "Control Map" should be either a "Town Map" included in a development plan approved by the Minister of Local Government and Planning, or, if there is no such "Town Map", outline development proposals approved by the county council.

The county council will be entitled to receive a copy of every application for development but, with the object of limiting the number of applications they see, they could make local arrangements with the county district councils to avoid the need for copies of applications for development in specified areas, or in respect of defined categories of development.

*Reference to the county council*

The following are examples (not exhaustive) of cases which might be required to be referred to the county council in the public interest :—

- (i) Mineral workings.
- (ii) New industry or large industrial expansion.
- (iii) Large allocations of land for development, unless area

is already covered by a plan previously approved for the purpose of development control.

- (iv) Development on the boundary of an adjoining authority.
- (v) Services permanent land requirements.

*Development by the county district council*

Development by the county district council should not be delegated.

*Development by the county council*

Development by the county council should be referred to a county district council in all cases before submitting the matter to the appropriate government department.

*Additional specific functions*

The following additional specific functions might be delegated, subject to the county council having power to give such general or specific directions as they think fit :—

- (i) Determination of whether planning permission is required.
- (ii) Revocation and modification of permission to develop.
- (iii) Enforcement of planning control.
- (iv) Discontinuance of authorised uses and removal or alteration of buildings, works, etc.
- (v) Tree preservation orders.
- (vi) Control of advertisements except in areas of special control.
- (vii) Power to require proper maintenance of waste land.

The county district council should be responsible for the payments of any compensation, unless they have obtained the agreement of the county council to their decision at the appropriate stage prior to the lodging of the claim for compensation, e.g., before the Minister's decision on appeal or before the Minister has confirmed the Order giving rise to compensation.

*Advertisement control*

The fixing of areas of special control is considered to be a matter for agreement between a county council and the county district councils. Where an Order has been made by a county district council in respect of an area of special control of advertisements, the county district council should be responsible for carrying out that control.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

Where such an order has been made by a county council, the control should be exercised in such manner (and with such reservations) as might be agreed between the county council and the county district council."

### SUMMARY OF DELEGATION ARRANGEMENTS

The review covered thirty-eight counties. In the case of every county, delegation arrangements were in operation under a scheme approved by the appropriate government department.

#### *Form of Delegation*

The various schemes of delegation can first be classified in four main divisions which are summarised briefly in the following table.

<i>Delegatee Bodies</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
1. Delegation granted to County District Councils only ... ..	5	6	7	18
2. Delegation granted to certain County Districts in the County with the remaining parts of the county covered by Area or Divisional Committees	—	2	—	2
3. Delegation granted to all County Districts and <i>also</i> to Area or Divisional Committees covering the whole of the county and consisting of representatives of the County Council and of the County Districts ... ..	6	3	3*	12
4. No delegation granted to County Districts but Area or Divisional Committees established covering the whole of the county and consisting of representatives of the County Council and of the County Districts ... ..	—	2	4	6
	11	13	14	38

*Note :* \*In one county the Area Committees cover the whole of the county, excluding one large non-county borough.

### *Area Planning Committees*

#### *(a) Powers and Duties*

It will be seen that in twenty counties Area Planning Committees have been established, even though in three of the counties they do not cover the whole administrative area. In all cases these Committees operate as sub-committees of the County Planning Committee and their powers and duties are largely of a co-ordinating and advisory nature. They do, however, fall into two main categories which are briefly described below.

The first category are advisory only and have been established largely for the purpose of co-operating with the county districts in their areas and to deal primarily with applications for development and with questions upon which the district councils on the one hand and the County or Area Planning Officer on the other hold differing views. The Area Committees in twelve counties fall into this category.

The second category of Area Committees, which operate in eight counties, have rather more extensive terms of reference and, while mainly advisory in nature, are also responsible for duties of which the following list represents a fair sample :—

1. To assist in the preparation and revision from time to time of such part of the development plan for the county as relates to the area.
2. To make recommendations to the committee upon any matter concerning the planning of the area.
3. To hear and determine as between a constituent county district council and the Area Planning Officer any differences which may arise as to the decision to be given on any application for permission to develop, subject to the right of any aggrieved district council to submit an appeal to the County Planning Committee.
4. To carry out such other functions as may be assigned to it by the committee.

In two counties the Clerk to one of the constituent district councils acts as Clerk to the Area Planning Committee.

Certain of the Area Committees within this category have wide powers both in relation to the preparation of the development plan

and in relation to the making of orders without reference to the central committee. Five of the eight counties in this category fall into the "large county" group and in each of them delegation is granted also to the individual county district councils. In this way decentralisation or devolution arrangements operate concurrently with direct delegation to other local authorities.

#### *Constitution of Area Committees*

The total number of members on Area Planning Committees varies from eight to forty-nine and in most cases the county district council representatives are in an absolute majority. Provision is made in three counties for the co-option of members. Meetings are normally held at monthly intervals or more often if required.

### THE DEGREE OF DELEGATION

It has been found that the degree of delegation which operates in the various counties and the considerable variations in the administrative machinery which exist cannot suitably be indicated by summary tables. It has, therefore, been considered desirable to reproduce in some detail the various arrangements for dealing with applications for permission to develop and to distinguish between those counties in which delegated powers :—

- (a) Have been granted to county district councils without concurrent decentralisation to Area or Divisional Committees.
- (b) Have been granted both to county district councils and also to Area or Divisional Committees.
- (c) Have been granted to Area or Divisional Committees only.

#### *Applications for permission to develop or change existing use of land, etc.*

In accordance with the appropriate regulations issued under the Town and County Planning Act, applications for permission to develop under Section 14 of the 1947 Act and for permission to change the existing use of land under Section 17, are lodged with the county district council. The procedure for dealing with these applications varies considerably, however, and the different practices in operation in the thirty-eight counties are summarised in the following pages :—

1. *Counties in which delegation has been granted to County District Councils without concurrent delegation powers to Area Committees*

(Note : This position applies in eighteen counties where delegation has been granted to all county districts and in two counties where delegation has been granted to selected county district councils only.)

*Comments*

A procedure on these lines is operative in three of the twenty counties, in one of which, however, all applications are considered by the District Council subsequent to receipt of the County Planning Officer's observations and the central Sub-Committee deal with those in which the District Council do not accept the recommendation of the County Planning Officer.

*Procedure*

(a) A copy or copies of the application or proposal and relevant information are sent by the County District Council to the County Planning Officer with the observations of the District Council. The County Planning Officer either returns the documents to the District Council with his recommendations or notifies the District Council that the application is likely to prejudice or conflict with proposed development or is likely to give rise to liability for compensation. The District Council deal with applications returned to them but the second type of applications are considered by the County Council and their decision is notified to the District Council. If the latter object to such decision the case is referred to a special Sub-Committee who reconsider the application at a meeting attended by representatives and officers of the District Council. The decision of the County Council is taken after such meeting and is final, subject to the applicant's right of appeal to the Minister.

(b) Copies of all applications or proposals are sent to the County Planning Officer. Under the scheme of delegation certain types of application are specifically reserved for direct decision by County Council who notify the District Councils of such decisions. In the case of other applications the report of the County Planning Officer is considered by the County District Councils and applications are dealt with by them. If they disagree with the views of the Planning Officer the application is considered centrally either by the main Committee or a Sub-Committee at a meeting at which representatives of the District Council may attend.

Arrangements on these lines operate in twelve of the twenty counties. In one of these all proposals under Section 17 are dealt with direct by the County Council, while in another the scheme of delegation allows greater power in dealing with applications to urban authorities with populations exceeding 20,000, than is granted to the smaller urban districts and all the Rural Districts. In one county the views of the District Council on applications falling to be considered by the County Council are considered by the latter when coming to their decision. Among the matters reserved for consideration direct by the County Council are applications by District Councils to develop in their own area.

1. *Countries in which delegation has been granted to County District Councils without concurrent delegation powers to Area Committees—(Contd.)*

*Comments*

*Procedure*

(c) Copies of all applications or proposals are sent to the County Planning Officer (or Divisional Planning Officer) who either makes a recommendation to the District Council or indicates that the application may be considered by them without awaiting his comments. If the District Council do not determine the relevant applications in accordance with the recommendations of the Planning Officer they may be referred by the Officer to the County Planning Committee for decision. The District Council may send a deputation to express their views.

A procedure similar to this operates in four out of the twenty counties, in one of which all applications under Section 17 are dealt with centrally except in the case of a large County District who have been granted extra powers of delegation in this respect.

2. *Countries in which delegation has been granted to all County Districts and also to Area or Divisional Committees (Twelve counties)*

(a) Copies of all applications or proposals are sent to the Divisional Planning Officer. Certain classes of cases are delegated to the District Councils on which no recommendations are made by the Planning Officer, the District Councils being entitled in such cases to make whatever decision they think fit. Certain other types of case are referred to the District Councils with the recommendations of the Divisional Planning Officer. If the District Councils do not agree with such recommendations the applications stand referred for consideration by the Divisional Planning Committee.

The Divisional Planning Committees deal with the applications referred to above and also with other types of application allocated for their consideration, except those which are specifically reserved for central consideration by the County Planning Committee.

The County Planning Committee deal with applications such as those relating to major industrial development, the working of minerals, where claims for compensation are likely to arise together with matters referred to them by Divisional Committees on grounds of special difficulty or involving policy.

A procedure on these lines operates in two of the twelve counties within this group. In these counties the Divisional Planning Committees are more than advisory sub-committees of the central committee and form a definite part of the chain of devolution of planning functions.

*Procedure*

(b) Copies of all applications or proposals are sent to the County Planning Officer who is required to submit a report thereon to the County District Councils. The applications are then considered by the District Council who may, if they so desire, refer any applications to the County Planning Committee for determination. Every determination made by the District Council is provisional only and if within a specified period the County Planning Committee indicate their objections to the decision of the District Council, the application stands referred to the central Committee for determination.

(c) Copies of all applications or proposals are sent to the County or Area Planning Officer for his recommendations. Under the scheme of delegation certain types of applications are or may be reserved for direct decision by the Area Committee or by the County Council. In the event of the District Council not agreeing with the recommendations of the County or Area Planning Officer the application is referred to the Area Planning Committee for decision. The District Council may appeal to the County Planning Committee against any decision of the Area Planning Committee.

(d) Copies of the applications or proposals are sent by the County District Councils to the County Planning Officer with their observations. The County Planning Officer either returns the documents to the District Council with his recommendations or notifies the District Council that the application is one which should be dealt with direct by the Area Committee who make appropriate recommendations to the County Council. The District Council deal with applications returned to them and are notified of the decision of the County Council on the applications referred direct to the Area Committee.

*Comments*

This procedure, which omits any reference to the Area or Divisional Committees, is operative in one only of the twelve counties.

This procedure is operative in seven of the twelve counties though in one county a large non-county borough is dealt with outside the Area Committee arrangements. In another county the County Planning Officer has power to refer matters to the County Planning Committee where he disagrees with the decision of the Area Sub-Committee.

This procedure is operative in two of the twelve counties.



3. *Countries or parts of counties in which no delegation has been granted to District Councils but Area or Divisional Committees have been established*  
 (Note : This covers six counties in which no District Council has been granted delegated powers and two counties in which such powers have been granted to selected districts only.)

#### *Procedure*

(a) Applications are forwarded by District Councils to the County Planning Officer (or Area Planning Officer) for submission to the Area Sub-Committees. The latter have power under the decentralisation arrangements to deal with certain types of application and are also required to make recommendations on other specified types of application, the decision on which is reserved to the County Planning Committee.

(b) Applications or proposals are forwarded to the County Planning Officer for consideration and report. District Councils may also forward their observations to the Planning Officer. The Area Committees consider the recommendations of the County Planning Officer and if they come to a decision on any application which is contrary to these recommendations the matter is referred to the County Planning Committee for determination. The County Council notify the District Councils of all decisions.

#### *Comments*

With certain variations of procedure, arrangements on these lines operate in seven of the eight counties. In one county, cases in which the County District Council disagree with the determination of the Area Committee are referred to the County Planning Committee who will hear the views of the District Council before coming to a decision. In another county the views of District Councils on all applications are sought by the County Council.

This procedure operates in one only of the eight counties.

## OTHER FUNCTIONS

A variety of practices operate in relation to certain functions under the Town and Country Planning Acts and these are summarised in the following tables. Where appropriate, references are made to the appropriate sections of the Town and Country Planning Act, 1947.

*Notification to applicant of decision upon application*

<i>Forms of Permission or Refusal issued by</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council, and copy sent to County Council. If the District Council refuse or neglect to act, the County Council may do so ...	7	6	9	22
2. District Council or County Council, whichever has given the decision ... ..	4	4	3	11
3. Area Committee or County Council, whichever has given the decision ... ..	—	—	1	1
4. County Council ... ..	—	1	1	2
5. Area Committee ... ..	—	2	—	2
	11	13	14	38

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## *Appeals against decisions on applications*

<i>Authority normally acting at Appeal</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council. They may, however, request the County Council to act or the County Council may decide to do so in cases which affect Development Plan ... ..	5	3	3	11
2. County Council, but they may request the District Council to act ... ..	1	3	4	8
3. District Council, Area Committee or County Council, whichever has given decision on application ... ..	2	1	1	4
4. County Council ... ..	1 (a)	3 (b)	5 (b)	9
5. District Council (subject in two cases to prior approval of any expenditure on expert witnesses) ... ..	3	2	2	7
6. Area Committee ... ..	—	2	—	2
	12	14	15	41

*Notes :* (a) Only in the case of the smaller County Districts. For other County Districts—falls within Category 1.

(b) One county in each group acts only in the case of certain County Districts. For other County Districts—these two counties fall within Category 5.

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*Revocation and modification of permission to develop*

<i>Authority taking action</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council, subject to consultation with and approval of the County Council who may themselves initiate proposals and after consultation with the District Council require them to make any order and serve notices ... ..	3	1	2	6
2. District Council, subject to consultation with and approval of the County Council ...	3	2	4 (a)	9
3. County Council (subject in some counties to recommendations being made by the District Council or the Area Committee) ... ..	3	9	9 (b)	21
4. Area Committee ... ..	—	—	2	2
5. District Councils, Area Committees or County Council in relation to the different classes of development falling to be dealt with by them ... ..	2	1	—	3
	11	13	17	41

Notes : (a) In two counties this arrangement applies only in the case of certain larger County Districts. For other County Districts—these counties fall within Category 3.

(b) In the case of one county in this group, the County Council deals with revocations while the Area Committees have power to deal with modifications of permissions to develop (Category 4).

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## Enforcement of planning controls (Sections 23 and 24)

Authority empowered to take action	No. of Counties and Group			
	Large Counties	Medium Counties	Smaller Counties	Total
1. District Council, subject to prior consultation with and approval of the County Council who may themselves initiate proposals and, after consultation with the District Council, require them to make any order and serve notices ... ..	4	1	2 (b)	7
2. District Council, subject to consultation with and approval of the County Council ...	4	3	3	10
3. District Council, concurrently with the County Council. No enforcement notice can be served by the District Council without approval of the County Council ... ..	—	3 (a)	4	7
4. County Council (subject in some counties to recommendations being made by the District Council or Area Committee) ... ..	1	5	5	11
5. Area Committee ... ..	—	1	1	2
6. District Council, Area Committee or County Council in relation to the different classes of development falling to be dealt with by them	2	1	—	3
	11	14	15	40

Notes : (a) In one county this arrangement applies only in the case of the larger County Districts. For other county districts—this county falls within Category 4.

(b) Only in the case of certain of the larger County Districts in one county. For other County Districts—this county falls within Category 4.

## TOWN AND COUNTRY PLANNING

*The making of orders for removal of buildings, etc. and stoppage of uses which are in conflict with planning requirements (Section 26)*

Authority empowered to take action	No. of Counties and Group			
	Large Counties	Medium Counties	Smaller Counties	Total
1. District Council, subject to consultation with the County Council ... ..	3	2	1	6
2. District Council, subject to consultation with and approval of the County Council, who may themselves initiate proposals and, after consultation with the District Council, require them to make any order and serve notices ... ..	4	—	2 (a)	6
3. District Council, concurrently with the County Council, and subject to prior consultation with the County Council ... ..	—	2 (b)	2 (b)	4
4. Area Committee ... ..	—	1	1	2
5. County Council (subject in some counties to recommendations being made by the District Council or Area Committee) ... ..	4	9	10	23
	11	14	16	41

Notes : (a) In one county this arrangement applies only in the case of one large county district. For other county districts—this county falls within Category 5.

(b) In one county in each group this arrangement applies only in the case of certain large county districts. For other county districts one county falls within Category 4 and one within Category 5.

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## *Issue of Tree Preservation Orders for the purpose of preserving trees and woodlands (Section 28)*

<i>Authority empowered to take action</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council, subject to consultation with the County Council ... ..	2	1	1	4
2. County Council after consultation with the District Council ... ..	1	—	1	2
3. District Council concurrently with the County Council, and subject to consultation with the County Council ... ..	2	4 (a)	3 (a)	9
4. District Council, subject to consultation with and approval of the County Council who may themselves initiate proposals and, after consultation with the District Council, require them to make any order and serve notices ... ..	4	—	2 (b)	6
5. Area Committee ... ..	—	1	1	2
6. County Council (subject in some counties to recommendations being made by the District Council or Area Committee) ... ..	2	8	8	18
	11	14	16	41

Notes : (a) In one county in each of these two groups this arrangement applies only in the case of certain large county districts. For other county districts one of these counties falls within Category 5 and the other in Category 6.

(b) In one county this arrangement applies only in the case of one large county district. For other county districts this county falls within Category 5.

*Applications for permission to display advertisements (Section 31)*

<i>Authority empowered to take action</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council ... ..	7 (a)	2 (b)	3 (c)	12
2. District Council, subject to prior consultation with and approval of the County Council ... ..	1	2	4 (d)	7
3. Area Committee, subject in some counties to particular cases being referred to the County Council ... ..	2	4	2	8
4. County Council (subject in some counties to recommendations being made by the District Council or Area Committee) ... ..	4	7	8	19
	14	15	17	46

*Notes :* (a) In one county this arrangement applies only in the case of certain of the larger county districts. For other county districts, this county falls within Category 3. In two other counties applications relating to certain types of advertisement only may be dealt with by District Councils. Arrangements in one of these counties also fall within Category 3 and in the other—Category 4.

(b) In both counties these arrangements apply only to certain of the larger county districts. For other county districts these counties fall within Categories 3 and 4 respectively.

(c) In two counties these arrangements apply only to certain of the larger county districts. For other county districts, one county falls within Category 3 and one within Category 4.

(d) In one county this arrangement applies only in the case of two of the larger county districts. For other county districts this county falls within Category 4.

It might be observed that in the majority of counties the procedure followed in dealing with applications under this section of the Act is similar to that relating to applications for permission to develop and to change existing use of land (Sections 14 and 17).



# THE DELEGATION OF SERVICES WITHIN COUNTIES

## *Proper maintenance of gardens, vacant sites or other open land (Section 33)*

<i>Authority empowered to serve notice</i>	<i>No. of Counties and Group</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
1. District Council ... ..	7	5 (a)	4 (b)	16
2. District Council, subject to consultation with and approval of the County Council ...	1	1	1	3
3. District Council, subject to consultation with the County Council who may themselves initiate proposals and, after consultation with the District Council, require them to serve notices ... ..	3	—	2	5
4. District Council concurrently with the County Council. No enforcement notice can be served by the District Council without the approval of the County Council ... ..	—	1	2	3
5. Area Committee ... ..	—	3	2	5
6. County Council (subject in some counties to recommendations being made by the District Council or Area Committee) ... ..	—	4	6	10
	11	14	17	42

*Notes :* (a) In one county—only in the case of certain of the larger county Districts. For other county districts this county falls within Category 5.

(b) In three counties—for certain county districts only. For other county districts, one county falls within Category 5 and two within Category 6.

*Payment of Compensation under Part III of the Town and Country Planning Act, 1947*

The schemes of delegation in operation in the thirty-eight counties contain a variety of clauses relating to the payment of compensation arising out of the issue of notices or orders or other action taken under Sections 21, 23, 26, 28, 29, 31 and 33 of the 1947 Act. In the main, the schemes provide for compensation to be payable by the county council but the reasons for this vary and there are certain qualifications in many cases. In some counties the district councils may contribute in whole or in part to compensation payments while in a limited number of counties the primary responsibility for compensation payments under certain sections of the Act has been placed upon the county district councils.

The various arrangements fall within three main categories which are summarised below:—

*Category 1: All compensation is borne by the County Council for the various reasons illustrated*

Reason	No. of Counties and Groups			
	Large Counties	Medium Counties	Smaller Counties	Total
(a) Scheme of delegation specifically provides that delegated functions shall not be exercised by the District Council without the prior approval of the County Council in any case which is likely to involve the payment of compensation ... ..	2	2	3	7
(b) Under the scheme of delegation all applications in which a claim for compensation is likely to arise have to be referred to the County Council for determination	1	—	—	1
(c) Under the terms of delegation no notices or orders may be served or made by the District Council ...	—	6	4	10
	3	8	7	18

# THE DELEGATION OF SERVICES WITHIN COUNTIES

*Category 2: All compensation which may become payable arising from action taken by a District Council in exercise of their delegated powers is borne by the County Council, subject to certain qualifications*

<i>Qualifications or Proviso</i>	<i>No. of Counties and Groups</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
(a) Where the District Council make any order or serve any notice any consequential compensation must be borne by them unless their action has been approved by the County Council ...	4	3	4	11
(b) Where any decision or order is issued in the name of the County Council at the specific request of the District Council for any particular purpose, the County Council may require the District Council to bear any consequential compensation ...	—	1	—	1
	4	4	4	12

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*Category 3: Compensation must be borne either by the County Council or by the County District Council*

Authority Bearing Compensation	No. of Counties and Groups			
	Large Counties	Medium Counties	Smaller Counties	Total
(a) Compensation is borne by County Council except that :—				
(i) District Council may contribute in whole or in part ... ..	I	—	—	I
(ii) In relation to Section 28 (Tree Preservation Orders) the District Council is responsible unless otherwise agreed	I	—	—	I
(iii) In relation to Section 26 (Removal of Buildings and stoppage of uses of land) the District Council may by agreement bear part of the cost ... ..	I	—	—	I
(iv) In relation to Section 20 (Refusal of permission for development in certain cases) the District Council are required to pay unless the County Council in any case otherwise agree ... ..	—	—	I	I
(v) In relation to purchases of land under Section 19 the District Council are required to make any necessary payments...	—	—	I	I
(b) District Council is responsible for the payment of all compensation unless the action taken is as a result of a specific decision of the County Council ... ..	—	I	—	I
(c) Responsibility for the payment of compensation is determined on the merits of each case ... ..	I	—	—	I
	4	I	2	7

*Note : In one county the principles upon which the responsibility for the payment of compensation would be determined had not been decided at the time of completing the questionnaire.*

## OTHER MATTERS

In response to an enquiry for any other information relating to the degree of delegation or decentralisation of functions, twelve counties indicated that their schemes of delegation required that district councils should comply with any requirements of the county council which are considered necessary to ensure that the proposed development plan was in no way prejudiced. The district councils are also required to comply with any provisions proposed by the county council to be included in the development plan and notified to the district councils, except in so far as the county council authorise any departure from such provisions.

On the score that it is doubtful whether a district council has the right to re-delegate powers to its committees, one county council has agreed to impose no restrictions on district councils in this respect, pursuant to their powers under Section 85 of the Local Government Act, 1933.

In one county the district councils are specifically required to arrange for the inspection of any development carried out in their area. If it appears to them that the development has proceeded without the granting of permission under Part III of the 1947 Act or that any conditions of permission granted have not been complied with, the district council are required to bring such development to the notice of the county council.

In one of the more rural counties the delegation agreements relating to rural district councils require the district council to consult from time to time with the parish councils or parish meetings of the parishes within their areas on matters relating to the discharge of their delegated functions or otherwise so far as they may affect the parishes concerned.

A number of the delegation agreements have arbitration clauses providing that any disputes, differences or questions which may at any time arise between the county council and the district councils may be referred to an arbitrator who, in some cases, has been specified as being the Minister of Housing and Local Government.

### *Variations in Extent of Delegation*

In eleven counties the degree of delegation granted to county district councils has been extended since the scheme was first introduced. Three counties had the question of extending the terms of delegation under consideration at the time of the review. For the remainder of the counties there has been no extension nor restriction of the degree of delegation since the original

schemes became operative. One county points out that their delegation agreements with their individual district councils remain operative only until the Minister has approved the development plan, either as a whole or in so far as it relates to the various county districts.

### *County Council Planning Staff*

In twenty-nine of the thirty-eight counties the county is divided up for administrative purposes into areas with staff allocated for work in those areas, generally under the control of an Area Planning Officer. In all cases (with two small exceptions) the areas coincide with the boundaries of two or more county districts and in the majority of counties the administrative offices are situated within the respective areas. The Area Planning Officer or the staff responsible for the different areas are available for consultation by the district councils in those counties in which delegation to county districts operates and, particularly in the case of the larger counties, it is stated that such consultations take place frequently.

### *Attendance of County Planning Officer at meetings of District Council*

In twenty-six of the thirty-two counties where certain powers are delegated to county district councils it is a feature of the delegation arrangements, even though it may not be specified in the schemes, that the County Planning Officer is available to attend meetings of the district council at which proposals or applications for development or any other delegated functions are being dealt with, for the purpose of advising the district council on technical matters or on questions of county planning policy. In most counties this is done only at the request of the district councils.

In the remaining six counties the delegation schemes provide that the Planning Officer or a member of his staff shall have the right to attend any meetings of the district councils at which matters relating to the exercise of the delegated functions are being considered. In two of these counties other county officials may also attend if considered necessary.

### *Decisions on Applications*

Information was requested as to the average extent of the interval between the first consideration of applications by the delegatee authorities and the final communications of the decisions of the county council to the delegatee authority. The replies showed

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some differences but in the majority of counties it has been found that ordinary applications can be cleared in a maximum period of fourteen days from the date of initial consideration. More complicated matters normally required from one to two months before they were finally cleared.

In twenty-one counties special arrangements have been made to expedite the consideration of recommendations of the delegatee authorities on matters of urgency, either by the appointment of a special sub-committee or by special powers being granted to Chairmen. In the remaining seventeen counties the necessity for the making of special arrangements has not yet arisen.

## FINANCIAL ADMINISTRATION

### (a) *Estimates and Accounts*

There is virtually no delegation of financial matters throughout the thirty-eight counties. In one county, in which all powers under Part III of the 1947 Act have been delegated to two non-county boroughs, the district councils concerned are responsible for the preparation of detailed estimates in accordance with which, when approved, they may incur expenditure without obtaining any further approval from the county council. The same position applies in two other counties where more limited delegation has been granted to one non-county borough in each county. Subsidiary accounting records only are maintained by the district councils in two of these counties.

In another county, estimates relating to administrative expenses only are prepared by the Area Committee and expenditure within such estimates, when approved, may be incurred without further approval being sought.

Apart from these isolated exceptions annual estimates and all accounting records are prepared centrally.

### (b) *Payments to District Councils to cover costs of administration*

In twenty-one of the thirty-two counties in which certain powers have been delegated to county district councils no payments are made by the county council towards the normal administrative costs arising from the exercise of the delegated powers, on the grounds that the expenses involved are roughly proportionate to the rateable values of their areas. In some of these counties, however, any necessary forms and registers are provided by the county

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council and any expenses of the district council arising out of appeals are reimbursed.

In the remaining eleven counties payments are made on various bases which vary considerably, as the following sample arrangements illustrate:—

- (a) 1/6d. per entry in Planning Register
- (b) 2/6d. per application dealt with by the district council, plus 1/6d. per entry on Land Charges Register.
- (c) £1 per 100 of population.
- (d) Amount agreed with each district council.



## CHAPTER VI

### Civil Defence

#### STATUTORY PROVISIONS AND OBSERVATIONS OF LOCAL GOVERNMENT SIDE OF MANPOWER COMMITTEE

The very detailed observations made by the Local Government side include a review of the statutory provisions and the views of the appropriate government departments. These are reproduced in the following paragraphs :—

##### *“ Introductory Remarks*

##### *Statutory Provisions*

The Civil Defence Act, 1948, requires all local and police authorities to perform such functions as may be prescribed under regulations to be made by the designated Minister.

Section 2 gives details of regulations which may be made. Regulations made under the Act—

- (a) may require any local authority to comply with any directions given to them by the designated Minister;
- (b) may empower authorities on whom functions are conferred to appoint committees, including joint committees;
- (c) may empower authorities to authorise such committees or other authorities to exercise all or any of these functions on their behalf as their agent;
- (d) may empower the designated Minister, where a local authority fail or refuse to discharge any functions conferred on them under the section, either himself to discharge those functions at the local authority's expense or authorise or require some other authority or person to do it.

The Government contemplate that special circumstances may justify the conferment direct upon a limited number of district councils of functions normally conferred upon the councils of counties and county boroughs, but in the case of a number of functions it is suggested that county councils will operate by delegation of their powers where appropriate. The general principle is that in wartime civil defence functions should be discharged by local authorities responsible for similar or analogous functions in peacetime.

The Civil Defence (General) Regulations, 1949, authorise the local authority for the purpose of any civil defence function conferred on them under Section 2 of the Act, to appoint a committee or join with any such authority or authorities in appointing a joint committee, and the local authority may authorise any of their committees or joint committees to exercise the powers as their agent, except the power of levying or making a precept for rate or borrowing money. The local authority may, with the consent of the designated Minister, and shall at his discretion, authorise any local or police authority to exercise all or any of the civil defence functions conferred on them on their behalf as their agent.

The Civil Defence Corps Regulations provide for the organisation of divisions of the Civil Defence Corps which is the function of every county and county borough council, and the councils of the five non-county boroughs mentioned in the schedule, namely Cambridge, Chesterfield, Luton, Swindon and Peterborough.

Various other regulations have been made relating to evacuation, care of the homeless, sewerage, water supplies, burials and ambulance regulations. With the exception of the last mentioned, nearly all district councils are responsible authorities. The ambulance regulations, however, only apply to county and county borough councils.

At the outset the special position of the Greater London Area which corresponds to the Metropolitan Police Area, and which contains the whole of the counties of London and Middlesex and parts of the counties of Essex, Hertfordshire, Kent and Surrey, is appreciated and it is recognised that some of the recommendations will not apply to that area at all, whilst there may well be variations in recommendations which will be of general application.

### *Scope of Delegation*

The review of this service was begun by establishing that a county council must be responsible for policy, the general plan to implement that policy, the overall plan in respect of each particular section of the service, and finance. Subject thereto it has appeared to be generally accepted that the greatest amount of delegation to county district councils is desirable, since the success of civil defence must depend upon the local support in each area. At the same time the multiplicity of authorities in a county and their inter-dependence do require that, for operational purposes and corps organisation, a county should be divided into sub-divisions and for this purpose

there should, where necessary, be some grouping of local authority areas.

There was evidence of concern lest the delegation to individual authorities for administrative purposes might cut across the desired grouping of local authority areas for operational control and corps organisation. It is not considered that difficulty need arise in this respect, and this aspect is dealt with more fully in subsequent paragraphs. It was also appreciated that it might in certain circumstances be advisable to group smaller county districts and in some cases to group a small one with a larger one for administrative purposes. However, it is understood that the Home Office now take the view that this is not possible under a strict interpretation of the existing regulations and that their Circular 19/1950 which suggested such groupings will have to be amended.

Sub-divisions will in many cases be substantially larger than individual county districts but a county district with sufficient resources should be made individually responsible for corps organisation and operational control and should in itself form a sub-division. Regard would, however, have to be had in these cases to what is a suitable division of the whole of the administrative county into sub-divisions and even where a county district has itself the resources referred to consideration would also have to be given to the position of its neighbouring authorities and it might be necessary to group the larger county district with an adjoining county district, or districts, with limited resources. It is not in any circumstances contemplated that any committee organisation will be required for sub-divisions which are, as previously stated, established for operational purposes only.

The division of the county, and the grouping of areas as sub-divisions for operational control and corps organisation, should be made known at the time when the county council delegate to county districts. The earlier that the sub-divisions can function the sooner will the effectiveness of the delegation to the individual authorities be revealed.

There were two other aspects besides control by county district councils which are considered essential if civil defence is to be a success in this "build-up" phase before any war. One aspect was that until, and unless, it is known locally who are the various section heads, there will be a tendency for individuals not to come forward. It is contemplated, in this respect, that each officer in charge of the section of a county civil defence service will have a representative (usually a county district officer) in charge of the

service in a county district, and similarly will have a representative in charge of the service in a sub-division.

The second aspect is financial. Delegation, if it is to be successful must give the delegated council some freedom in expenditure. If delegation is to function successfully it is essential that a county district should be authorised to incur expenditure within estimates approved by the county council, on the understanding that the Home Office will recognise that expenditure for grant purposes without detailed examination. It is recommended that county district councils should be allowed to incur expenditure on delegated functions up to the limits of any discretions approved for county councils.

Civil Defence undertaken by local authorities during the war was staffed by personnel from other services which, because of the war, were reduced in scope. Civil Defence has now become an integral part of local government in peacetime and whilst existing staffs can be expected to co-operate where their present work is analogous to some civil defence function the full employment of other personnel on their main peacetime work will probably necessitate some further staff to be engaged for purely civil defence administration. The present local government service may be regarded as a source of manpower in the event of the operational phase becoming a fact but until then they could not be expected always to undertake the administrative work in its entirety.

The appointment of civil defence staff (whole and part-time) for delegated functions should be a matter for the county district to determine, at salaries and in accordance with an establishment approved by the county council.

### *Conclusions*

#### *(a) Administration*

The county council should be responsible for policy, the general plan to implement that policy, the overall plan in respect of each particular section of the service and for finance.

Delegation should be given extensively to all county districts as the success of this service depends on local goodwill and support.

The method by which it is recommended that delegation should be made is to every county district with an indication how, for operational and corps organisation purposes, there will be a division of the county with some grouping of areas into sub-divisions.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

There must be close liaison between all staffs in the local government service. The appointment of additional staff for delegated services may be made by the county district in accord with salaries and an establishment approved by the county council.

The fostering of local interest initiated by generous delegation is dependent upon two further cardinal factors:—

- (i) Appointment of heads of sections in county districts and subdivisions.
- (ii) Ability of county districts to incur expenditure within limits approved by county councils based on financial discretions granted by Government Departments to those Councils without subsequent examination by Government Departments of the reasons for the expenditure.

### (b) *Operations*

The operational and corps organisation must be known in advance so that it harmonises with the delegated administrative work undertaken by separate county districts. Delegation can only be fruitful if in the early administrative development of civil defence all county districts know to what grouping plan they are to be attached for operational purposes.

### (c) *Functions*

*No Delegation—but to be retained by county councils*

- (i) Policy, the general plan to implement that policy, and the preparation of the overall plan in respect of each section of the service.
- (ii) Finance (broad principles and budget)
- (iii) Ambulance service
- (iv) Fire Service.

### *Delegation*

Subject to the powers of county councils (in regard to policy, overall planning and finance) the following could be delegated to county districts:—

- (i) Recruitment
- (ii) Basic Training (subject to co-ordination by county councils)
- (iii) Collection and distribution of intelligence
- (iv) Instruction and advice to the public
- (v) Rescue and pioneer work
- (vi) Rest centres.

The county council will have located the appropriate number of rest centres in each county district, leaving to the latter authority the responsibility for management and day-to-day administration.

*Extended delegation to a county district forming a separate sub-division*

The following could also be delegated to a county district where the area of the county district forms a separate sub-division:—

- (i) Organisation of the sub-division of the Civil Defence Corps.
- (ii) Control and co-ordination at a place of attack.

*Delegation dependent upon peacetime responsibility*

The following are considered as appropriate to be undertaken by the local authority which are responsible for the analogous peacetime functions:—

- (i) Emergency Feeding. The School Meals service is the analogous function. Accordingly it would be for the county council, an excepted county district council, or a divisional executive, if operating this service, to deal with this aspect of civil defence.
- (ii) Removal of debris on highways. This work would be the responsibility of the appropriate highway agency or claiming authority according to the class of highway.

*Deferment of question of delegation*

Consideration of the undermentioned has been deferred until Government policy is determined or more information is available:—

- (i) Shelters
- (ii) Decontamination
- (iii) Detection and identification of toxic agents.

*Warden Service*

This is dealt with separately because of its special relationship with the Chief Constables.

In most counties the Chief Constable is the officer-in-charge of the service, and it will be organised and based upon police divisions. It is considered, therefore, that in these cases delegation to a county district cannot extend beyond recruitment, but clearly there must be the closest co-operation between the county district council and the local officer responsible for the warden service in their area. In those cases where the Chief Constable is not responsible for the service delegation could follow the pattern applicable to the other sections of the service."

## SUMMARY OF DELEGATION ARRANGEMENTS

Delegation to some degree is operative in thirty-six of the thirty-eight selected counties. In thirty of these some powers have been delegated to all district councils though in certain counties the extent of delegation varies between the different districts. In the remaining six counties (four small and two medium) delegated powers have been given to selected county districts only. The varying circumstances in which this latter differentiation between districts arises are summarised below:—

1. Delegation has been granted only to those county districts who asked for delegated powers (one county).
2. Delegation was offered to all district councils but accepted by some only (two counties).
3. Some county district councils do not possess the necessary resources to carry out delegated functions, apart from recruitment (one county).
4. Delegation has been granted to selected district councils only, due to the scattered nature of the county (one county).
5. Delegation has been granted to four county districts only, in one case because of the isolation of its area and in the other three because of their proximity to a probable target area (one county).

In one large, one medium sized, and two small counties, in which delegation has been granted to all county district councils, the districts have been grouped into advisory and co-ordinating bodies without prejudice to the delegation to the individual county district councils.

It will be appreciated that in many counties the position in relation to the delegation of Civil Defence functions is somewhat fluid in that the arrangements are in preliminary form only. Plans for the operation of the service in a national emergency have not yet been drawn up and this review consequently deals only with the administrative functions which fall to be carried out under present conditions. Of all the services under review this is probably the one in which the extent and form of delegation is most likely to vary in the light of changing circumstances during coming years.

## THE EXTENT OF DELEGATION

The summaries which follow indicate the extent to which the responsibility for administrative functions connected with the various sections of the Civil Defence Corps has been retained by county councils or delegated to district councils. The broad picture is portrayed in the first table and in succeeding paragraphs the functions and services are briefly commented upon and, where deemed appropriate, are considered in more detail, chiefly in order to contrast the position within each of the three main groups comprising the following numbers of counties:—

			<i>Number</i>
Large counties ...	...	...	11
Medium counties	...	...	13
Smaller counties...	...	...	12
			—
			36
			—



## THE DELEGATION OF SERVICES WITHIN COUNTIES

# DELEGATION OF FUNCTIONS RELATING TO VARIOUS SECTIONS OF CIVIL DEFENCE CORPS

Function	Headquarters		Wardens		Ambulance		Welfare		Rescue	
	No. of Counties		No. of Counties		No. of Counties		No. of Counties		No. of Counties	
<i>Recruitment</i> Retained by County Council Delegated to District Council	2 34	... ...	2 34	...	2 34	...	1 35	...	1 35	...
<i>Basic Training</i> Retained by County Council Delegated to District Council	17 19	... ...	17 19	...	17 19	...	16 20	...	16 20	...
<i>Advanced Training</i> Retained by County Council Delegated to District Council Delegated to Police Authority Not yet settled	20 16 — —	... ... ... ...	24 10 2 —	...	30 6 — —	...	17 19 — —	...	18 17 — 1	...
<i>General Administration</i> Retained by County Council Delegated to District Council Delegated to Police Authority Not yet settled	17 18 — 1	... ... ... ...	16 19 1 —	...	27 9 — —	...	18 17 — 1	...	14 21 — 1	...
<i>Bulk Stores, Equipment and Clothing</i> Retained by County Council Delegated to District Council	34 2	... ...	34 2	...	34 2	...	34 2	...	34 2	...

## CIVIL DEFENCE

Function	Headquarters		Wardens		Ambulance		Welfare		Rescue	
	No. of Counties		No. of Counties		No. of Counties		No. of Counties		No. of Counties	
<i>Local Stores</i>										
Retained by County Council	5		8		10		8		6	
No local stores envisaged	5		4		14		5		4	
Delegated to District Council	26		23		12		23		26	
Delegated to Police Authority	—		1		—		—		—	
<i>Vehicle Maintenance and Repair</i>										
Retained by County Council	—		—		31		—		25	
Delegated to District Council	—		—		2		—		8	
Not yet settled	—		—		3		—		3	
<i>Garage Accommodation</i>										
Retained by County Council	—		—		29		—		16	
Delegated to District Council	—		—		4		—		17	
Not yet settled	—		—		3		—		3	
<i>Administration of Centres, Posts or Depots</i>										
Retained by County Council	6		15		25		22		9	
Delegated to District Council	27		18		7		13		21	
Delegated to Police Authority	—		2		—		1		—	
Not yet settled	3		1		4		—		6	

(Depots)

(Emergency Feeding and Rest Centres)

(Ambulance Depots)

(Wardens Posts)

(Report and Control Centres)

### *Recruitment of Personnel*

It will be observed that in practically every county the responsibility for the recruitment of personnel for all sections of the Corps has been delegated to county district councils.

### *Basic Training*

The responsibility for basic training of all sections has been delegated to county district councils in approximately one half of the counties. The extent of delegation is greatest in the large counties and least in the smaller counties as can be seen from the summary appearing on page 105.

### *Advanced Training*

More than half of the counties in which this question has been settled have withheld delegation in connection with advanced training for the Headquarters and Rescue sections of the Corps. This policy is even more pronounced in the case of the Wardens service, while the extent of delegation in the Ambulance section is very restricted throughout all groups of counties. It will be seen from the summary on page 105 that in two counties the responsibility for advanced training of the Wardens section has been placed in the control of the Police Authority, which in both counties is a Joint Authority (responsible also for the policing of an area outside the administrative county). This is quite distinct from the position in the great majority of counties in which, even though the officer in charge (or co-ordinating officer) of the Wardens service is the Chief Constable, the control of the service is exercised by the county council, with or without delegation to county district councils.

### *General Administration of Sections*

In the case of the Headquarters, Wardens and Rescue Sections the responsibility for general day-to-day administration has been delegated to county district councils in more than half of the counties. The majority of counties, however, have withheld such delegation in connection with the Ambulance and Welfare Services. The tendency towards a more substantial extent of delegation in the larger counties is again evident. (See table on page 106.)

Responsible Authority	Section of Corps and Number of Counties within each Group					
	Welfare			Rescue		
	Large	Medium	Small	Large	Medium	Small
County Council ... ..	5	5	7	4	7	7
County District Council ...	6	8	5	7	5	5
Not yet settled ... ..	—	—	—	—	1	—

## General Administration of Sections

Responsible Authority	Section of Corps and Number of Counties within each Group									
	Headquarters			Wardens			Ambulance			Small
	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	
County Council...	2	8	7	2	7	7	7	8	12	—
County District Council	9	4	5	8	6	5	4	5	—	—
Police Authority	—	—	—	1	—	—	—	—	—	—
Not yet settled ...	—	1	—	—	—	—	—	—	—	—

Responsible Authority	Section of Corps and Number of Counties within each Group							
	Welfare			Rescue				
	Large	Medium	Small	Large	Medium	Small		
County Council...	4	6	8	2	6	6		
County District Council	6	7	4	8	7	6		
Not yet settled ...	1	—	—	1	—	—		

*Stores, Equipment and Clothing*

In only two counties, both of which fall into the "large county" group, has the responsibility for bulk storage of equipment and clothing been delegated to county district councils and this applies to all the sections of the Civil Defence Corps. The extent of delegation to district councils of the responsibility for local stores, however, varies considerably between the three groups of counties and also as between the various services. It is greatest in the large counties and least in the smaller counties. There is a substantial measure of delegation in connection with the Headquarters and Rescue sections, slightly less in the Wardens and Welfare sections and limited delegation only in the Ambulance section. In connection with the latter a high proportion of counties envisage that no local stores will be established and that the question of possible delegation will not arise. This applies to a lesser extent to each of the other sections.

*Administration of Report and Control Centres*

In twenty-seven out of the thirty-three counties in which the question has been settled, the administration of Report and Control Centres has been delegated to county district councils. The extent of such delegation is uniform within each of the three population groups. One county has indicated that in certain areas the responsibility will be shared by the appropriate combinations of county district councils and it is likely that such arrangements will apply also in other counties where, for example, one Report Centre will serve an urban area and the surrounding rural district.

*Administration of Wardens Posts*

Of the thirty-five counties where the arrangements are finally settled, eighteen have delegated the administration of Wardens Posts to county district councils. In two counties this responsibility will be controlled by the Police Authority. The extent of delegation is greatest in the large counties only two of which have withheld delegation of this function. The least delegation again occurs in the smaller counties.

*Emergency Feeding and Rest Centres*

In twenty-two counties the responsibility has been retained by the county council, delegation being granted to county district councils in thirteen counties and to the Police Authority in one county. In one county where delegation applies, the responsibility for clothing has been retained as a central function. The more extensive delegation applies within the larger and medium sized counties.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

### *Ambulance, Rescue and Pioneer Depots*

In the great majority of counties (and in all the smaller counties) the responsibility for Ambulance Depots has been retained by the county council. In twenty-one of the thirty counties in which the question has been settled the maintenance and operation of Rescue Depots has been delegated to county district councils, the extent of such delegation being greatest in the large counties.

### *Vehicle Maintenance and Repairs*

Only in two counties has the responsibility for the maintenance and running of Ambulance vehicles been delegated to county district councils. The extent of delegation in connection with the Rescue section is greater (particularly in the large counties) although, as regards both sections, there are three counties in which the question has not yet been settled.

### *Garage Accommodation*

Delegation of this function in relation to Ambulance vehicles has been so far granted only in four counties. Approximately one-half of the counties have delegated this responsibility in connection with Rescue vehicles.

## PREMISES

### *Selection of Premises*

The general position in twenty-one counties (nine large, six medium, six small) is that county district councils may select premises, subject to the approval of the county council. In fifteen of these counties, however, the responsibility for the selection of certain types of premises has been specifically retained by the county council as follows:—

	<i>No. of Counties and Groups</i>			
	<i>Large Counties</i>	<i>Medium Counties</i>	<i>Smaller Counties</i>	<i>Total</i>
Rest Centres ... ..	5	1	3	9
Ambulance Stations ... ..	2	—	1	3
Emergency Feeding Premises	1	—	1	2
Sub-Control Centres ...	1	—	—	1

In eleven other counties (two large, three medium, six small) responsibility for the selection of premises has not been delegated to county district councils although in six of these the county districts render assistance to the county council.

In four counties (all medium) responsibility for the selection of the following types of premises has been delegated entirely to the county district councils:—

<i>Premises</i>	<i>No. of Counties</i>
Unit Headquarters and Report Centres ...	I
Basic Training Premises ... ..	I
Report and Control Centres and Stations for personnel, except Ambulance personnel ...	I
All premises except those for the Wardens and Ambulance Sections ... ..	I

the selection of other premises remaining in the hands of the county council.

#### *Agreement of Rentals*

In only six counties are county district councils empowered to agree rentals to be paid for premises and in one of these counties the delegation relates only to Report Centres and Local Headquarters and in another solely to administrative offices. District councils may agree rentals in eleven counties, subject to the prior approval of the county council, which in the case of one county need only be sought where the annual rental exceeds £25. In fourteen counties the county district councils are not allowed to agree rentals. The remaining five counties have not yet settled the extent to which this responsibility is to be delegated.

### CIVIL DEFENCE PERSONNEL

#### *County Heads of Sections*

The Clerk of the County Council is the co-ordinating officer for the service in all counties and, with very few exceptions, the following senior officers of the county authority (or their representatives) are the County Heads of Sections:—

Headquarters ... ..	Civil Defence Officer
Wardens ... ..	Chief Constable
Ambulance ... ..	County Medical Officer
Welfare ... ..	County Welfare Officer
Rescue ... ..	County Surveyor



## THE DELEGATION OF SERVICES WITHIN COUNTIES

The exceptions are:—

### *Headquarters Section*

In one county the Chief Constable, and in ten counties (three large, two medium, five small), the Clerk of the County Council or the Deputy Clerk is the Head of this Section.

### *Wardens Section*

In two counties (one large, one medium) the Head of the Wardens Section is the County Civil Defence Officer and in two others (one large and one medium) he is a Civil Defence Volunteer who holds no appointment with the county council.

### *Welfare Section*

In three counties (all large) the County Medical Officer of Health, and in two counties (one large, one medium) the Education Officer is the Head of the Welfare Section. In two other counties (one medium, one small) the Education Officer is responsible for the Emergency Feeding arrangements.

### *Rescue Section*

In five counties (two large, one medium, two small) the County Architect is the Head of the Rescue Section and in one county the County Planning Officer is responsible.

### *Appointment and Dismissal of Local Heads of Sections*

The position as regards the appointment and dismissal of Local Heads of Sections is set out in the following table:—

## CIVIL DEFENCE

*Appointment and Dismissal of Local Heads of Sections*

<i>Appointments and Dismissals made by</i>	<i>Section of Corps and Number of Counties within each Group</i>														
	<i>Headquarters</i>					<i>Wardens</i>					<i>Ambulance</i>				
	<i>Large</i>	<i>Medium</i>	<i>Small</i>	<i>Total</i>		<i>Large</i>	<i>Medium</i>	<i>Small</i>	<i>Total</i>		<i>Large</i>	<i>Medium</i>	<i>Small</i>	<i>Total</i>	
County Council ...	1	5	5	11	3	6	6	6	15	3	6	4	4	18	8
County Council after con- sultation with District Council ...	2	—	1	3	2	—	—	1	3	2	—	—	1	3	3
District Council ...	4	4	1	9	1	3	3	1	5	2	2	4	1	9	9
District Council after con- sultation with County Coun- cil ...	4	3	4	11	5	3	3	3	11	4	4	4	5	14	14
Sub-Divisional Joint Com- mittee*	—	—	1	1	—	—	—	1	1	—	—	—	1	1	1
Not yet settled ...	—	1	—	1	—	1	1	—	1	—	—	—	—	1	1

*Note :* \*The Sub-Divisional Joint Committees which have been set up in this county appoint Sub-Divisional Civil Defence Officers and other voluntary personnel but for other aspects of the service act in an advisory capacity only.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

In one county where the appointment of local Heads of Sections is the responsibility of the county district councils the power of dismissal is reserved to the county council.

It will be observed that the arrangements in relation to the appointment of local Heads of the Welfare, Rescue and Pioneer Sections are consistent in all counties. More county councils have retained the responsibility for the appointment and dismissal of the local Heads of the Wardens and Ambulance Sections than is the case in connection with the Welfare, Rescue and Pioneer Sections. This applies generally throughout the three population groups but particularly in the small counties as regards the Ambulance section. The arrangements with regard to the Headquarters Section are similar to those for the Welfare, Rescue and Pioneer Sections, except that three counties which delegate to county district councils, subject to prior consultation, the duty of appointing the local heads for the latter sections, retain responsibility for appointing the local Head of the Headquarters Section.

### *Appointment and Dismissal of other Personnel of the Civil Defence Corps*

The table on page 113 outlines the position as regards the appointment and dismissal of other personnel of the Civil Defence Corps.

Here again the arrangements for the Welfare, Rescue and Pioneer Sections are similar although one small county which has delegated responsibility for the appointment and dismissal of Rescue and Pioneer personnel to district councils, retains this responsibility for Welfare personnel. More county councils in all three population groups retain the responsibility for personnel of the Wardens and Ambulance Sections than do so for the Welfare, Rescue and Pioneer personnel.

### *Appointment of General Administrative Staff for Civil Defence Work*

In eleven counties, district councils have been authorised to appoint or second from their existing staff the necessary administrative staff required for the Civil Defence functions delegated to them by the county council. In three of these counties, however, the establishment of Civil Defence administrative staff for each district council is subject to the specific approval of the county council and in four counties the amount in respect of staff salaries which will be reimbursed by the county council is limited. In twenty-one counties administrative staff can be appointed by district councils only with the specific approval of the county

# *Appointment and Dismissal of Other Personnel*

	Section of Corps and Number of Counties					Rescue	
	Headquarters	Wardens	Ambulance	Welfare		No. of Counties	No. of Counties
<i>Appointments and Dismissals made by</i>							
County Council ... ..	13	16	21	11		10	
County Council after consultation with District Council	2	2	2	2		2	
District Council ... ..	15	13	9	16		17	
District Council after consultation with County Council ...	2	1	1	3		3	
Sub-Divisional Joint Committee ... ..	1	1	—	1		1	
Senior Personnel by County Council and subordinate personnel by District Council ... ..	1	1	1	1		1	
Appointments by District Council, Dismissals made by Section Heads ... ..	1	1	1	1		1	
Not yet settled ... ..	1	1	1	1		1	

## THE DELEGATION OF SERVICES WITHIN COUNTIES

council. In five counties this question has not yet been finally settled.

### *Determination of numbers of Civil Defence Personnel*

In fourteen counties the establishment of the Civil Defence personnel within the various areas is determined by the county council subject, in three counties, to consideration being given to any representations made by the county district councils. In nineteen counties the scheme of delegation provides that the personnel establishment in each area is to be agreed by consultation between the county council and the county district councils.

## FINANCIAL ADMINISTRATION

### *Generally*

The broad picture is presented in the following table:—

<i>Financial Arrangements</i>	<i>Number of Counties and Groups</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
No financial arrangements yet made	—	1	—	1
No financial delegation granted to County Districts ... ..	1	1	3	5
Delegation limited to payment of minor accounts in connection with Recruitment and Basic Training ... ..	—	3	2	5
Some financial delegation in operation ... ..	10	8	7	25
	11	13	12	36

The observations made in the following paragraphs relate only to those twenty-five counties in which some financial delegation to county district councils is operative. In four of these separate financial regulations have been drawn up. In seventeen counties the financial arrangements are incorporated in the scheme of delegation. In one county the financial arrangements are set out in a separate letter addressed to each county district council. In the remaining three counties no formal arrangements have yet been completed.

*Financial Estimates**Preparation of Annual Revenue Estimates*

In twenty-four counties the county district councils prepare annual estimates of the revenue expenditure which they expect to incur on the delegated Civil Defence functions, but in one large county the district councils submit quarterly estimates and do not prepare composite annual estimates.

*Preparation of Capital Estimates and Programmes of Work*

In sixteen counties the district councils prepare capital estimates, in five counties this responsibility has been retained by the county council and in three counties this question has not yet been decided.

The position is the same in relation to the preparation of programmes of capital works except in one small county where district councils prepare programmes of work in the first instance but do not prepare capital estimates.

*Form of Estimates*

In all twenty-five counties annual estimates are prepared by district councils in a uniform pattern prescribed by the county council. In eleven counties outline working papers are, in the first instance, prepared by the county council whereas in the remaining fourteen counties the estimates are compiled entirely by the county district councils.

*Supplementary Estimates*

In one county no definite direction has yet been given requiring district councils to submit supplementary estimates to cover anticipated overspendings on main heads of approved annual estimates but in the remaining twenty-four counties district councils are required to submit such estimates, subject, in one county, to a saving clause which will enable them to spend on each service up to an agreed maximum amount in the event of a national emergency.

In only four counties is the average time taken to have supplementary estimates approved by the county council less than two months. In one case, however, matters of urgency may be submitted to the Chairman of the Civil Defence Committee for his approval and in another the normal quarterly procedure of the county council has been expedited by giving the Chairman of the

Civil Defence Committee power to authorise items up to £50 by himself or, over this sum, jointly with the Chairman of the County Finance Committee.

*Spending within approved Estimates*

In all twenty-five counties the county district councils may incur expenditure on functions delegated to them within the scope and limits of annual estimates approved by the county council. In four counties no further reference to the county council is necessary but in the remaining twenty the following restrictions are applied:—

In seventeen counties the authority to incur expenditure within the scope of approved annual estimates is subject, as regards particular items, to any limitations imposed by the Secretary of State, by any other Minister, or by the county council in accordance with their general policy as indicated to county district councils.

In two counties the further specific approval of the county council is required to expenditure under certain heads. In one county further approval is required from the county council to expenditure on individual items exceeding £25. In another, any one item of expenditure on the purchase of equipment exceeding £100 or the upkeep of buildings exceeding £200 must be submitted to the county council for approval.

*Methods of financing the expenditure of District Councils*

In eighteen counties periodical reimbursements of their actual expenditure are made to district councils but in five of these the reimbursement is subject to the actual expenditure of the district council falling within its approved estimates, and in one county the district councils may operate on an imprest account, if they so desire. In four of these counties reimbursement is made on request and in the remaining fourteen it is made at agreed fixed intervals, subject in certain cases to advances on account of reimbursement being made if requested by the district councils.

In six counties the normal method of financing the expenditure of district councils is for payments on account, based on annual estimates, to be made by the county council, either monthly, quarterly or half-yearly. In one county the scheme provides for quarterly advances to be made to district councils if required, but if such advances are not required their expenditure is reimbursed half-yearly.

*Accounting Records*

In all the twenty-five counties the final books of account relating to the delegated services are maintained centrally but in fifteen counties the detailed transactions are recorded in the district councils' accounts and transferred to the accounts of the county council at the end of each financial year.

In twenty-one counties the district councils are responsible for keeping detailed stores records relating to the delegated functions. In four counties all stores records are kept by the county council, either centrally or at area offices.

*Audit of Accounts relating to Delegated Functions*

In thirteen counties all accounts relating to the delegated services are subject to continuous audit by the County Treasurer, but county district councils maintain audits of accounting officers in nine of these counties. In seven counties the responsibility for day-to-day audit work is left to the county district councils but in two of these counties the district councils' annual claims for reimbursement of expenditure are examined in detail by the County Treasurer. In two counties the district councils' accounts are examined by the County Treasurer only when annual claims for reimbursement of expenditure are made, there being no continuous audit by the county council. Two county councils normally accept the audit certificate of the District Auditor but retain the right of inspection and audit of all records relating to the delegated services. In one county there is no specific responsibility laid on delegatee authorities and no audit of the district councils' accounts by the County Treasurer is envisaged.

**ATTENDANCE OF COUNTY OFFICIALS AT MEETINGS OF LOCAL CIVIL DEFENCE COMMITTEES**

In sixteen counties the appropriate county officials may, if they consider it to be desirable, attend meetings of the district councils' Civil Defence Committees and in one county they may attend meetings of Sub-Divisional Joint Committees. In eleven counties this may only be done at the specific invitation of the district council. In one county no such attendances may be made and in four counties the position has not yet arisen or has not been specifically covered in the delegation arrangements. Three counties have stated that the contact between the county council and the Local Civil Defence Committees is maintained through Sub-Divisional Civil Defence or Training Officers and this is probably a feature of the arrangements in many counties.



## THE DELEGATION OF SERVICES WITHIN COUNTIES

In eighteen counties the appropriate county officials may submit reports and recommendations direct to the district councils' Civil Defence Committees and in one county reports and recommendations may be submitted to Sub-Divisional Joint Committees. In four counties this may be done at the request of the district councils. In one county reports and recommendations may be submitted direct to district councils only at the request of the County Civil Defence Committee and in one county they may be submitted to district councils only through the county council. In four counties this practice is not allowed and in the remaining seven counties the question has either not arisen or has not been settled.

In eighteen of the counties in which county officials may submit reports and recommendations direct to county district councils' Civil Defence Committees or Sub-Divisional Joint Committees, the officers are permitted to refer recommendations to the county council for decisions where the delegatee authorities have objected to such recommendations.

## CHAPTER VII.

### Highways and Bridges

#### RELEVANT STATUTORY PROVISIONS

The statutory provisions governing the above are contained in the Local Government Act, 1929, Sections 35 and 36. These provisions are summarised below.

##### *Section 35—Delegation of Road Functions*

The council of any district could, within three months after the commencement of the Act, apply to the county council for the delegation to them as from the appointed day (1st April, 1930) of the functions of the county council with respect to the maintenance, repair and improvement of and other dealings with:—

- (a) the whole of the **unclassified** roads, exclusive of county bridges;
- (b) all or any of the **classified** roads, exclusive of county bridges;
- (c) all or any of the **county bridges**.

The Act provided that in so far as the application was in respect of **unclassified** roads the county council should grant the application unless they were satisfied that, having regard to the best means of promoting economy and efficiency in highway administration throughout the county and to the particular circumstances of the district in respect of which the application was made, the application ought not to be granted.

In so far as the application was in respect of **classified** roads or **county bridges** the county council had unfettered discretion whether or not to grant the application.

Every county council was required to submit to the Minister of Transport a statement specifying the applications made under this section, and in any case in which an application for the delegation of functions in respect of **unclassified** roads had been refused, the grounds on which the refusal had been based. The council of any district whose application for the delegation of functions relating to **unclassified** roads had not been granted could appeal to the Minister who, if satisfied that the application should have been granted, could by order direct the county council to grant the application.

After the appointed day the council of any district to whom any such functions as are mentioned in (a), (b) or (c) above are not for the time being delegated may apply to the county council for the delegation of those functions, and in the event of the county council refusing or failing within three months to grant the application so far as it relates to **unclassified** roads, the district council may within one month of such refusal or failure appeal to the Minister who, if satisfied that the application should have been granted, may by order direct the county council to grant the application so far as it relates to **unclassified** roads. Applications under this sub-section shall not, without the consent of the Minister, be made except in the years 1934, 1939, or any succeeding year being the fifth year after the last year in which an application might have been made.

A county district to whom functions have been delegated may, by giving notice in writing to the county council, relinquish those functions. Similarly, the county council may, by giving notice in writing to the district council, determine the delegation. But, in so far as the notice relates to **unclassified** roads, the district council shall be entitled to appeal to the Minister who, if satisfied that the delegation of functions relating to **unclassified** roads should not be determined, may by order cancel the notice given by the county council.

### *Section 36—Conditions and Effect of Delegation of Functions*

Where functions are delegated under Section 35 of the Act, the district council, in the discharge of those functions, shall act as **agents** for the county council, and it shall be a condition of any such delegation—

- (a) that works to be executed and the expenditure to be incurred by the district council in the discharge of those functions shall be subject to the approval of the county council; and
- (b) that the district council shall comply with any requirement of the county council as to the manner in which and the persons by whom any works are to be carried out, and with any general directions of the county council as to the terms of contracts to be entered into for such purposes; and
- (c) that the works shall be completed to the satisfaction of the county council.

If at any time the county council are satisfied that any portion of a delegated road is not in proper repair and condition, notice may

be given to the district council, requiring them to carry out the necessary work, and if such notice is not complied with within a reasonable time the county council may act themselves.

*Rights of certain Urban District Councils to maintain County Roads by "Claim"*

*Note:* Though the subject of this review is confined to delegation of functions, it is necessary in the case of Highways to make some reference to the provisions under which certain non-county boroughs and urban district councils have the right to *claim* to maintain county roads in their areas, for as a result of this feature the scope for delegation (provided for in Sections 35 and 36 of the Act) is to some extent limited. In addition, the provisions are of special interest at the present time owing to the recent census (the first since 1931), as a result of which a number of urban districts have become eligible to "claim" the exercise of functions relating to any county road (classified or unclassified) within their districts.

The relevant statutory provisions are set out in Section 32 of the Local Government Act, 1929, which provides that where an urban district has a population exceeding 20,000, it may claim to exercise the functions of maintenance and repair of **any county road** within its district and, if a claim is made within the specified time limit, the urban district shall be entitled to exercise those functions, and the road shall vest in that council and, for the purpose of the maintenance, repair and improvement of, and other dealings with any such road, that council shall have the same functions regarding that road as if they were the highway authority and the road was an ordinary road vested in them. To be effective claims must be made—

- (a) where the population of the urban district exceeded 20,000 at the appointed day (viz. 1st April, 1930), before the appointed day;
- (b) where the population of the urban district is found by the Registrar General's preliminary report on any census subsequent to the appointed day, to exceed for the first time 20,000 and the road is a county road at the date of the publication of the report, within twelve months after that date;
- (c) where an enactment adds an area to an existing urban district of which the population exceeds 20,000, within twelve months after the date when the enactment takes effect;
- (d) where an enactment constitutes a new urban district or adds an area to an existing urban district, as a result of which the

urban district becomes an urban district with a population exceeding 20,000, within twelve months after the date when the enactment takes effect;

- (e) where a road becomes a county road after the appointed day, or after the date mentioned in (b), (c) or (d) above, within twelve months after the date when it becomes a county road.

In the case of (a), the right of maintenance and repair was exercisable from the appointed day, and in the other cases from 1st April in the year following the calendar year in which the claim is made.

## OBSERVATIONS OF LOCAL GOVERNMENT SIDE OF MANPOWER COMMITTEE

### *“Introductory Remarks*

It is felt that two important limiting factors arise in considering delegation of highway functions, viz:—

- (a) the provisions of the existing law by which the review has been bound;
- (b) the existence and need of a trained organisation specialising in highways and of considerable mechanisation in highways and of considerable mechanisation in highway construction and maintenance.

The most substantial economy in the cost of road works can, in present day conditions, be achieved by the efficient use of plant and mechanical aids. The extent to which this is possible depends in a large degree on the use of the plant over an area which will provide enough work for the plant.

### *Conclusions*

Conclusions, in the light of the above introductory remarks, are as follows :—

#### (i) *Classified Roads*

- (a) In boroughs and urban districts with over 20,000 population the question of delegation does not arise because of the system of claiming.
- (b) In boroughs and urban districts with 20,000 population or under delegation can be granted or withheld by the use of the county council's discretion under the present law. Circumstances differ so much between one county and another and county district and county district that it is considered unnecessary and undesirable to make

definite recommendations as to delegation and in view of the fact that each county under the existing law is in a position to consider the circumstances of the particular county and county district, no difficulties should arise in practice.

- (c) In rural districts there should, as a general rule, be no delegation unless in exceptional circumstances where the characteristics of the rural district council would justify delegation. A material difference between rural and urban district councils is that rural district councils have no highway organisation or highway plant themselves whereas urban district councils already have some plant with staff and workmen for the purpose of maintaining their unclassified roads.

(ii) *Unclassified Roads*

As boroughs and urban districts are the highway authority the question of delegation does not arise so far as these authorities are concerned. With regard to rural districts, as in the case of classified roads there should, as a general rule, be no delegation but where delegation has been granted for classified roads it should be possible (although it does not necessarily follow) that delegation could also be given for the unclassified roads.

(iii) *Conditions of Delegation*

Under the Local Government Act, 1929, both "claiming" and delegation are subject to statutory conditions, including approval of estimates by the county council and the satisfactory completion of works. In the case of delegation the county council may impose additional conditions and the county district must by statute comply with the county council's requirements as to the manner in which, and the persons by whom, works are to be carried out. In these circumstances it is not felt necessary to make any precise recommendations on conditions of delegation but it is suggested that any additional non-statutory conditions might be based on the principles set out earlier so far as they apply."

## SUMMARY OF POSITION

The following table gives a broad summary of the position regarding the exercise of highway functions in the thirty-eight counties covered by the review:—

# THE DELEGATION OF SERVICES WITHIN COUNTIES

## Summary of Position

Analysis according to whether	Urban Areas			Rural Areas			Total		
	No. of Counties	Urban Authorities		No. of Counties	Rural Authorities		No. of Counties	County Districts	
		No.	Population		No.	Population		No.	Mileage of County Roads (approx.)
Roads "claimed" by District Councils ...	36	229	10,540,426	—	—	—	36	229	10,540,426
Road maintenance, etc., delegated to District Councils ...	28	279	4,116,402	4	24	438,420	28	303	4,554,822
Roads directly maintained by County Councils ...	38	256	2,642,766	37(b)	358	6,772,042	38	614	9,414,808
Totals ...	38	764	17,299,594	37	382	7,210,462	38	1146	24,510,056
									3,933
									7,237
									79,485
									90,655

Notes : (a) These figures relate not only to the mileage of the county roads in the area of the 256 urban and 358 rural authorities which are wholly maintained by the counties but also include the mileage of those roads within the areas of claiming and delegated authorities which are directly maintained by county councils.

(b) One county (Middlesex) has no rural districts within its area.

(c) The road mileages shown are approximate, as slight adjustments have been made to balance the total with the mileages at 1st April, 1950, given for the respective counties in the annual Miscellaneous Statistical Return for 1950-51 published by the Society of County Treasurers.

*Comments on the foregoing table*

It will be seen that delegation operates in twenty-eight of the thirty-eight counties. As already mentioned, the scope for delegation is limited in urban areas as a result of the right of those authorities with a population exceeding 20,000 to claim to exercise highway functions relating to county roads in their areas. At the time of the enquiry this right had been exercised in thirty-six of the counties by a total of 229 county districts. The approximate number of districts in the whole of the thirty-eight counties who had not exercised their claiming rights was twenty-six, based on population statistics extracted from the report on the 1931 census. It is, however, not yet known how many of the non-county boroughs and urban districts whose population, according to the 1951 census report, now exceeds 20,000 will seek to become claiming authorities.

In five counties claiming or delegation arrangements operate in the areas of all the urban authorities though, in each of these counties, a small mileage of the county roads in urban areas is retained for direct maintenance by the county council.

There is only one of the thirty-eight counties where neither claiming nor delegation arrangements operate, all county roads being directly maintained by the county council and only one county where delegation operates but where there are no "claiming" authorities.

So far as delegation to the urban authorities is concerned, the local councils are the highway authorities for their own unclassified roads, and due to this and the comparatively compact nature of urban areas the mileage of county roads in them is not large, the overall average delegated being less than nine miles per authority. Rural districts, on the other hand, ceased to be highway authorities as a result of the Local Government Act, 1929, and, with the exception of trunk roads, all roads in their areas are county roads. In rural areas, which contain approximately 89% of the total mileage of county roads, delegation now operates only to a very limited extent.

In urban areas the average population of the claiming authorities is 46,028. In urban authorities in which roads are delegated the average population is 14,754 and in the case of the authorities in which all county roads are directly maintained the average is 10,323. In rural areas where delegation operates the average population per authority is 18,267.



## THE DELEGATION OF SERVICES WITHIN COUNTIES

### *Areas in which all County Roads are Directly Maintained*

The following table summarises the various reasons given why delegation is not now operative for those county districts in whose areas all county roads are directly maintained. The figures given are approximate only as, due to changes that have taken place through alterations in boundaries and revision of county districts, a small number of counties were unable to give the information desired. It is felt, however, that the table shows the present position with reasonable accuracy.

<i>Reason why county roads are directly maintained by County Council</i>	<i>Urban Authorities</i>		<i>Rural Authorities</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
(i) Delegation not requested by County District Councils under Local Government Act, 1929 ... ..	145	57	81	23
(ii) Delegation granted under Local Government Act, 1929, but subsequently withdrawn at the request of the County District Council ...	11	4	22	6
(iii) Delegation requested by County District Council under Local Government Act, 1929, but successfully refused by County Council ...	89	35	117	33
(iv) Delegation granted under Local Government Act, 1929, but subsequently withdrawn by the County Council, or following mutual agreement to withdraw... ..	11	4	138	38
Totals ... ..	256	100	358	100

### *Reasons for Refusal or Withdrawal of Delegated Powers*

The following summarises broadly the reasons given as to why delegation of highways functions was successfully refused or, where granted, was subsequently withdrawn by the county council (*i.e.*, groups (iii) and (iv) referred to above). In relation to unclassified roads it is necessary to bear in mind the requirements of Section 35(2) of the Local Government Act, 1929, which provide that the county council *shall* grant the application (for delegation) *unless*

they are satisfied that having regard to the best means of promoting economy and efficiency in highway administration throughout the county and to the particular circumstances of the district in respect of which the application is made the application ought not to be granted.

(a) *Urban Areas*

- (i) The county council highway organisations already existed in urban areas, and only a small mileage was added by the Local Government Act, 1929, to that which the county council was already maintaining.
- (ii) If delegation were granted the county council would be maintaining roads on each side of some urban areas.
- (iii) Delegation would prevent the achievement of uniform maintenance standards, control and administration throughout the county.
- (iv) Because of the small size of some urban areas or the mileage of roads available for delegation being very small, or because, on part of the classified roads being created into trunk roads and the county council acting as agents of the Ministry of Transport, the remaining mileage of county roads was insufficient to warrant continuation of delegation.
- (v) The average cost per mile for maintenance under delegation arrangements proved to be considerably in excess of the average cost per mile for roads directly maintained.

(b) *Rural Areas*

- (i) The county council was already maintaining a considerable mileage of roads in rural areas and overlapping of functions within areas would result from delegation and duplication in the provision of labour, plant, stores and supervision would be perpetuated.
- (ii) The geographical situation of some rural districts was such that plant and staff of one authority would have to travel considerable mileages over roads maintained by another authority.
- (iii) Delegation would prevent the county council from securing a high uniform standard throughout the county through the employment of modern plant and technique.
- (iv) Standards adopted in the past were sometimes too low or variable.
- (v) Some rural areas were too small for economical operation as highway units. Modern plant would not generally

## THE DELEGATION OF SERVICES WITHIN COUNTIES

be available or, if provided, would not always be capable of full employment.

- (vi) Adequate staff and technical resources would not in all cases be available.
- (vii) The policy of the county council was, in all cases, to maintain classified roads in rural areas and, following the creation of many miles of Class III roads, the remaining unclassified roads did not warrant a separate organisation for their upkeep.
- (viii) One central organisation was considered to be the most efficient and economical method of carrying out highway functions, particularly where some of the rural districts in the county did not desire delegation.
- (ix) In some counties Area or District Advisory Committees were thought to provide a more efficient and economical administration than delegation arrangements.
- (x) To secure reductions in the cost of maintenance and administration.

## THE EXTENT OF DELEGATION

The extent to which delegation of highways functions has been granted in the twenty-eight counties concerned is summarised in the following tables and paragraphs.

### *Maintenance and Repair of County Roads*

#### (a) *Urban Areas*

It has been felt that the picture relating to the delegation of the responsibility for the maintenance and repair of county roads can best be presented in the following detailed summary showing in relation to each of the twenty-eight counties the number of "claiming" authorities and the delegatee authorities, together with an analysis of the county road mileages. Since non-county boroughs and urban districts are normally the highway authorities for all unclassified roads in their areas, the mileages shown relate almost entirely to classified roads but, as a result of Section 15 of the Highways and Locomotives (Amendment) Act, 1878, as amended by Section 37 of the Local Government Act, 1929, certain unclassified roads in urban areas have been declared to be county roads. There are 166 miles of such roads in the areas of sixty-five of the 279 authorities operating under delegated powers and the responsibility for the maintenance and repair of 119 miles has been delegated to such authorities. These mileages are, therefore, included in the summary.

# HIGHWAYS AND BRIDGES

## Maintenance and Repair of County Roads in Urban Areas

Number of Non-County Boroughs and Urban Districts										Mileage of County Roads	
County	Total No. in County	No. of "claiming" authorities	No. to whom delegation granted			No. in which all County roads are directly maintained by C.C.	Total Mileage	Subject to "claiming"	Subject to delegation	Directly maintained by C.C.	
			All Roads in Area	Some Roads in Area	Total						
<b>Large County Group</b>											
Lincolnshire	26	16	2	8	10	—	551.32	241.64	179.75	129.93	
Leicestershire	94	31	46	17	63	13	822.22	377.18	389.04	66.00	
Essex	32	13	8	—	8	43	654.30	370.19	88.94	195.17	
Yorkshire, West Riding	68	17	8	—	16	2	797.00	273.00	59.00	465.00	
Kent	38	20	7	9	16	14	534.10	345.67	134.37	54.06	
Surrey	28	19	4	5	9	6	567.78	360.16	179.22	28.40	
Durham	25	8	1	2	3	7	364.21	135.81	26.88	201.58	
Staffordshire	25	12	5	2	7	2	308.09	181.99	59.52	66.58	
Cheshire	33	8	16	7	23	13	330.79	103.13	175.46	52.20	
Derbyshire	20	6	1	—	1	93	233.88	77.19	10.69	146.00	
	389	150	96	50	146		5,173.75	2,465.96	1,302.87	1,404.92	
<b>Medium County Group</b>											
Hertfordshire	23	2	4	12	16	5	284.02	43.63	87.48	152.91	
Devon	31	1	17	6	23	7	376.02	29.66	234.80	111.56	
Warwickshire	9	4	3	—	3	2	162.10	110.81	41.03	10.26	
Somerset	20	2	16	—	16	2	154.22	25.21	119.92	9.09	
Gloucestershire	8	1	3	1	4	3	107.76	16.05	27.12	64.59	
Worcestershire	11	5	—	4	4	2	178.90	92.16	39.17	47.57	
Wiltshire	13	2	9	4	11	2	99.40	31.86	57.72	9.82	
Norfolk	12	1	1	10	11	—	162.00	12.72	133.41	15.87	
	127	18	53	33	86	23	1,524.42	362.10	740.65	421.67	
<b>Smaller County Group</b>											
Leicestershire	10	3	4	1	5	2	146.40	61.67	54.80	29.93	
Sussex, East	10	2	4	—	4	4	93.18	28.95	43.66	20.57	
Sussex, West	8	1	4	2	6	1	74.00	20.00	44.00	10.00	
Bedfordshire	8	2	3	—	3	3	90.05	49.96	22.54	17.55	
Lincoln, Lindsey	12	2	6	—	8	1	111.78	33.69	74.24	3.85	
Dorset	12	2	6	—	6	4	125.10	71.90	37.40	15.80	
Salop	15	1	2	3	5	9	145.04	71.81	22.96	104.27	
Berkshire	7	2	4	1	5	10	70.55	34.91	34.59	1.05	
Suffolk, East	12	1	1	—	1	6	79.39	16.74	7.40	55.25	
Yorkshire, East Riding	9	—	3	—	3		67.66	—	39.87	27.19	
	103	16	40	7	47	40	1,002.55	335.63	381.46	285.46	
	619	184	189	90	279	156	7,700.72	3,163.69	2,424.98	2,112.05	

Note : Of the 2,112 miles of road shown as directly maintained by County Councils, approximately 422 miles are within the areas of the ninety authorities to whom some only of the county roads are delegated, while approximately 95 miles are within the areas of "claiming" authorities.

(b) *Rural Areas*

Details of the position in the four counties in which delegation operates in rural districts are set out in the table on page 131.

DELEGATION OF OTHER HIGHWAY FUNCTIONS

The extent of delegation of functions other than those relating to normal maintenance and repair is shown in the table on page 132.

ADMINISTRATIVE ARRANGEMENTS

Details of certain aspects of the administrative arrangements in the twenty-eight counties in which delegation operates are set out below and on pages 133 to 135. In the case of those counties in which delegation extends to rural as well as to urban authorities (but excluding the one county (medium) where the special arrangements which are outlined in Note (c) to the table on page 131 apply), specific reference to the arrangements applicable to rural authorities has been made only where these differ from those applicable to the urban authorities in the counties involved.

*Legal Work*

The legal work in connection with negotiation of agreements and the granting of wayleaves, easements, etc. is normally performed by the county district councils in thirteen of the counties. In the remaining fifteen counties all such work is carried out centrally. Other legal work, such as that relating to the acquisition of property for the purpose of highway improvements is dealt with centrally in twenty-three of the counties and is normally performed locally in five counties only.

*Insurances*

In twenty-two of the counties all insurances in connection with delegated functions are effected by the district councils. In some of these counties the county council inspects policies periodically to ensure that the cover effected is adequate while in one county the county council has arranged an overall insurance cover against possible defaults or negligence on the part of the delegatee authorities.

In the remaining six counties, three counties insure centrally in respect of Traffic Control Signals only and two effect insurance centrally for third party risks. All other insurances are arranged by the district councils. In the sixth county the district councils are responsible for insurance only in relation to their own plant, all other risks being carried by the county authority.

## Maintenance and Repair of County Roads in Rural Areas

County	Number of Rural Districts				No. in which all county roads are directly maintained by C.C.	Mileage of County Roads		
	Total No. in County	No. to whom delegation granted		Total		Total Mileage	Subject to delegation	Directly maintained by C.C.
		All roads in Area	Some roads in Area					
Large County Group Two Counties ...	15	—	1	1	14	2,239.68	133.66	2,136.02
	21	—	9	9	12	3,108.00	1,125.00	1,983.00
Medium County Group One County ...	16	13	—	13	3	4,207.73	3,483.82	723.91
Smaller County Group One County ...	8	—	1	1	7	2,060.58	99.70	1,960.88
	60	13	11	24	36	11,615.99	4,812.18	6,803.81

Notes : (a) All unclassified roads (66.61 miles) but only Class III classified roads (37.05 miles) are delegated.  
 (b) 1,125 miles out of a total of 1,339 miles of unclassified roads within the areas of the nine rural districts are delegated, but none of the classified roads.

(c) The mileage of 3,483.82 covers 1,634.24 miles of unclassified roads and 1,849.58 miles of classified roads. The arrangements in operation do not involve delegation as contemplated by the Local Government Act, 1929, as in every case the District Surveyor and his staff, including the roadmen, storemen, etc., are employed direct by the County Council, by whom all plant is owned and all quarries, depots and yards are either owned or leased. In fact, the only differences between the thirteen rural districts in which functions are shown as delegated and the three in which roads are directly maintained by the County Council are—

- (i) in the former the annual estimates, after preparation by the County Surveyor, are placed before the Rural District Councils so that they may submit them to the County Council, and
  - (ii) all accounts for materials purchased or contract work executed are paid by the Rural District Councils from monies placed at their disposal by the County Council.
- (d) All unclassified roads (99.7 miles) but none of the classified roads are delegated.



# HIGHWAYS AND BRIDGES

<i>Administrative Arrangement</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
<i>Work to be carried out by Contract—Tenders</i>				
<i>(a) Maintenance Work</i>				
Negotiated and approved by County District Council ...	1	1	1	3
Negotiated by District Council but approved by County Council ...	9	6	7	22
Negotiated by District Council unless otherwise arranged ...	—	—	1	1
Negotiated by District Council if expenditure estimated to exceed a specified amount ...	—	—	1	1
Generally negotiated and approved by County Council, though formally accepted by District Council ...	—	1	—	1
Total ...	10	8	10	28
<i>(b) Major Improvements</i>				
Negotiated and approved by County District Council ...	1(a)	1	1	3
Negotiated by District Council subject to approval by County Council ...	7(b)	6	4	17
Negotiated by District Council subject to approval by County Council, unless otherwise arranged ...	—	—	1	1
Negotiated by District Council subject to approval by County Council, if expenditure estimated to exceed a specified amount ...	—	—	1(c)	1
Negotiated, approved and accepted by County Council ...	1	1	2	4
Total (excluding two counties which do not delegate works of major improvement) ...	9	8	9	26
<p><i>Notes : (a) County in which county council would act in special cases.</i>  <i>(b) and (c) These counties do not delegate major improvement works to rural authorities.</i></p>				



THE DELEGATION OF SERVICES WITHIN COUNTIES

<i>Administrative Arrangement</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
<i>Materials, Hired Haulage, etc.—</i>				
<i>Tenders</i>				
Negotiated by District Council, subject to County Council approval ... ..	6	6	6	18(a)
Negotiated by District Council, subject to County Council approval, if expenditure estimated to exceed a specified sum	—	—	1	1
Negotiated by District Council, subject to County Council approval, only if other than lowest recommended ... ..	—	1	—	1
Not submitted to County Council for approval, though County Council reserves right to request submission ...	—	—	1	1
Not subject to County Council approval ... ..	4	1	2	7
Total ... ..	10	8	10	28
<p><i>Note : (a) Subject to County Council contractors normally being used in the case of 7 counties (4 medium—3 smaller)</i></p>				
<i>Use of County Council bulk tenders or contracts to cover requirements of delegated authorities</i>				
Normally to be used ... ..	—	4	3	7
To be used for specified items only ... ..	1	—	2	3
Used if desired by County District Councils ... ..	2	2	1	5
Used only in special circumstances (e.g., if District Council has difficulty in obtaining materials, or if prices quoted are unfavourable) ... ..	2	—	—	2
Not used, but list of prices forwarded to delegatee authorities for information only ... ..	1	—	1	2
Not used ... ..	4	2	3	9
Total ... ..	10	8	10	28

## HIGHWAYS AND BRIDGES

<i>Administrative arrangement</i>	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
<i>Bulk Purchasing Arrangements</i>				
County Council reserves right to ask District Council to use arrangements but this is done only if District Council so desires ... ..	1	1	—	2
Power reserved by County Council, but not exercised ...	—	1	3	4
No provision for bulk purchases by County Council ... ..	9	6	7	22
	10	8	10	28

## OTHER ADMINISTRATIVE MATTERS

### *Workmen*

#### *(a) Establishments*

The approval of the county council to the number of workmen engaged by delegatee authorities is not required, except by one large county in the case of workmen employed by the rural district to which delegation has been granted.

#### *(b) Rates of remuneration of workmen*

Normally, rates of remuneration of workmen are payable in accordance with the award of an appropriate wage fixing authority, and in cases where the approval of the county council is not specifically required under the terms of the delegation agreement it is the practice for the wage rates paid to be examined at audit.

### *Plant and Tools*

Purchases of plant and tools are made by delegatee authorities at their own expense, and such purchases do not require the sanction of the county council, except in the case of one county (smaller) where approval is required. Allowances for the use of plant and tools are normally made at current Ministry of Transport rates, though in three counties (two large, one smaller) the percentage allowance granted for administration expenses is deemed to cover the cost of the use of tools.

An exception to the above applies in the case of the rural delegatee authority in one county (large), where purchases of plant and tools

are, subject to prior approval, made from funds advanced by the county council, to which the actual costs of operation and maintenance are charged.

Generally, the delegatee authorities are considered to possess the highway engineering plant necessary to enable them to carry out the functions of delegation efficiently, except in the case of those items of a specialised nature (e.g., Barber-Greene machines, heating and planing machines, excavators) which, in most cases, delegated authorities would not be justified in buying, as such plant would not be fully employed within their areas. In a few counties, however, adequate plant is possessed only by the larger authorities to which delegation is made.

In twenty-two counties the county council does from time to time make its own plant available in order to implement the deficiency of the delegatee authorities, though normally such authorities hire plant from outside sources when required. In six counties county council plant is never hired to delegatee authorities.

#### *Inspection and certification of work*

Generally, inspection of works is carried out from time to time by the County Surveyor, or by members of his staff. There is not normally a system providing for special returns of work done, though there are exceptions to this in cases where special schemes are being carried out. Certification by the County Surveyor in respect of work done is generally confined to the periodical statements of expenditure rendered by delegatee authorities for purposes of obtaining reimbursement or payments on account of expenditure incurred.

#### *Approval of the County Council in special cases*

Where delegatee authorities require the approval of a county council department (e.g., to variations in the programme of works) such approval, if urgent, is generally given immediately, or otherwise within the course of a few days. Where, however, the approval of the county council is required, the average time varies from two to three months. It is the general practice to arrange that, in special cases, approval may be given by the Chairman of the appropriate county council committee.

## FINANCIAL ARRANGEMENTS

The following paragraphs give some details of the financial arrangements in the twenty-eight counties in which delegation operates. In the case of those counties in which the delegation extends to

rural as well as to urban authorities (but excluding the one county (medium) where the special arrangements outlined in Note (c) to the table on page 131 apply) specific reference to the arrangements applicable to rural authorities has been made only where these differ from those applicable to the urban authorities in the counties involved.

*Estimates and Programmes of Work*

(i) *Preparation of Estimates and Programmes of Work*

In all counties the annual maintenance estimates and programmes of work are prepared by the delegatee authorities. But for major improvement schemes, in eighteen of the counties (seven large, five medium, six smaller) the estimates are normally prepared by the delegatee authorities, subject to exceptions in the case of relatively large schemes, while in eight counties (two large, three medium, three smaller) the estimates are normally prepared by the county council unless the work is of a relatively minor nature, in which case they may be prepared by the delegatee authority concerned. Two counties do not delegate any works of major improvements.

(ii) *Approval of Annual Estimates and Programmes of Work by the County Council and spending by Delegatee Authorities within the amounts approved*

Normally the annual estimates prepared by delegatee authorities show reasonably full details of work proposed to be done, such as lengths, areas, unit rates where applicable, and total cost, and during examination of the estimates by the county council it is the practice to have regard to the adequacy or otherwise of the unit rates indicated, these being queried and amended where necessary.

Subject to receipt of the Ministry of Transport's notification of the Road Fund Grant available it is the general practice of county councils to notify their approval of the annual maintenance estimates to delegatee authorities immediately after the meeting of the county council in February or March at which the budget estimates have been considered, and the district councils are then free to put in hand during the financial year any work included in the approved estimates and programmes of work, without further reference to the county council.

(iii) *Departure from Estimates and Programmes of Work*

Any proposal to depart from the annual programmes of work or to substitute work within the amount of the approved estimate

normally requires the approval of the county council, though in a number of counties there are exceptions under which departure is authorised in the case of urgent repairs or emergency works, provided that the county council is first notified of the intention to carry out such works, and that the approved annual estimates will not thereby be exceeded.

(iv) *Supplementary Estimates*

In all counties delegatee authorities are required to submit supplementary estimates to cover any expected overspending on the main heads of the approved annual estimates, and where the approval of the county council itself is required to these, the average time taken varies from two to three months. In the majority of counties, however, if the amount required can be found from a corresponding saving expected by other district councils a transfer between authorities' estimates can be arranged almost immediately, either by the County Surveyor, or with the approval of the Chairman or of the appropriate Committee. In a small number of counties it is not the practice to allocate the whole of the money provided in the annual budget for the maintenance and repair of roads but to retain a balance to meet supplementary estimates which may arise.

In connection with estimates for classified roads it will be appreciated that the Ministry of Transport notifies each county of its allocation of grant at the beginning of each year, and in view of the limited amount available there is, not unnaturally, a desire to ensure that the allocation of funds is utilised as fully as is possible.

(v) *Compliance with Section 86 of the Local Government Act, 1933*

With regard to maintenance and repair, approval by the county council of the annual budget is regarded as compliance with Section 86 of the Local Government Act, 1933, which provides that no cost, debt or liability exceeding £100 shall be incurred by a county council except upon a resolution of the council passed on an estimate submitted by the Finance Committee. In the case of major improvements it is the practice in fifteen counties (six large, five medium, four smaller) for each scheme as it arises to be submitted to the county council for approval under Section 86 of the Act, but in the remaining thirteen counties no such special arrangements apply.

*Accounting and Cost Recording*

The general position in the counties is summarised in the following tables:—

	<i>No. of Counties and Group</i>			
	<i>Large</i>	<i>Medium</i>	<i>Smaller</i>	<i>Total</i>
(i) <i>Accounting and Cost Records</i>				
Detailed form of accounting and cost records prescribed by County Council ... ..	3(a)	1	2	6
Delegatee authorities notified only of the analysis required, detailed accounting and cost records not being prescribed...	7	7	8	22
Totals ... ..	10	8	10	28

*Note : (a)* Applicable to rural but not to urban authorities in two of these counties.

(ii) <i>Cost records for Unclassified Roads</i>				
Cost records required for each road ... ..	4(a)	3	3	10
Cost records not required for each road ... ..	3(b)	3	2(c)	8
No unclassified roads delegated	3	2	5	10
Totals ... ..	10	8	10	28

*Notes : (a)* Includes the county which delegates to rural as well as to urban authorities. In the former an aggregate cost account covering general maintenance of all unclassified roads is maintained but separate cost accounts are kept in respect of each work of special maintenance. Urban authorities are, however, required to maintain a separate cost record for each unclassified road delegated to them.

*(b)* Includes one county where cost records are maintained for groups of unclassified roads delegated to rural authorities, but where in urban areas there are no unclassified roads delegated.

*(c)* Includes one county delegating unclassified roads to rural as well as to urban authorities, but where in each case cost records are not required for each road.

# THE DELEGATION OF SERVICES WITHIN COUNTIES

	No. of Counties and Group			
	Large	Medium	Smaller	Total
(iii) <i>Periodical Statements of Expenditure and Income submitted to County Council during year</i> Periodical statements (normally quarterly) in connection with reimbursement of payments on account only are submitted ... .. Special returns of expenditure and income are submitted in addition to statements as above (a) ... ..	8	4	6	18
	2	4	4	10
Totals ... ..	10	8	10	28
<p><i>Note : (a) Usually these special returns are submitted about November or December in each year and show the expenditure to date, the estimated expenditure for remainder of year and the estimated under or over spending.</i></p>				
(iv) <i>Final Claim</i> Form of final claim prescribed by County Council ... .. Form of final claim not prescribed ... ..	10	8	8	26
	—	—	2	2
Totals ... ..	10	8	10	28

# HIGHWAYS AND BRIDGES

## Financial Control and Audit

	No. of Counties and Group			
	Large	Medium	Smaller	Total
(i) <i>Financial Regulations</i>				
Detailed financial regulations included in delegation agreement ... ..	6	7	5	18
No detailed financial regulations included in delegation agreement ... ..	4	1	5	10
Totals ... ..	10	8	10	28
(ii) <i>Methods of financing expenditure of delegatee authorities</i>				
Imprest Account ... ..	—	2	—	2
Reimbursement ... ..	1	—	3	4
Instalments in advance, and reimbursement of balance on receipt of quarterly claim ...	—	1	—	1
Instalments in advance ... ..	4	1	—	5
Instalments in arrear ... ..	5	4	5	14
Instalments normally in arrear but instalments made in advance if requested ... ..	—	—	2	2
Totals ... ..	10	8	10	28

*Notes :* Payments to delegatee authorities are normally made at quarterly intervals, though payments are made more frequently in three of the counties.

Where instalments only are paid during the year, the balance withheld until after audit of the final claim varies between 5% and 20% of the approved expenditure, the normal amount being 10%.

(iii) <i>Audit by County Council of Books, etc., of Delegatee Authorities</i>				
Annual detailed audit performed ... ..	7	5	7	19
Detailed audit at more frequent intervals (usually quarterly or each half-year) ... ..	3	3	3	9
Totals ... ..	10	8	10	28

*Notes :* In the case of major improvements, special audits may be carried out on completion of each scheme in order to permit early submission of claims to the Ministry of Transport.

In a majority of cases, the County Council reserves the right to inspect the books and records of the delegatee authority at any time.



## THE DELEGATION OF SERVICES WITHIN COUNTIES

### (iv) *Unit Costs—application in approving final claim*

In approving the final claim, a comparison of actual against estimated unit costs is normally carried out where unit costing has operated (e.g., in connection with surface dressing, re-surfacing, etc.) while, where unit costing has not operated, it is the practice to compare the expenditure claimed with the approved estimate and to assess such expenditure in relation to the work actually carried out.

### (v) *Collection of Income*

All income relating to delegated roads is collected by the district councils in six counties while in the majority of the remainder the income is normally collected by the delegatee authorities, subject to the central collection of such items as income for the maintenance of roadways over bridges, income arising from legal work conducted by the Clerk of the County Council, and in connection with special claims (e.g., damage caused by extraordinary traffic and mining subsidence).

With regard to reinstatement work, under Ministry of Transport Circular No. 646 dated 7th July, 1950, expenditure and income are not normally to be brought into the Classification Grant Account by the county council and income from re-chargeable work of this nature and other private work is normally excluded by delegatee authorities from their claims.

## ALLOWANCE FOR ADMINISTRATION EXPENSES

In twenty-two of the counties the allowance for administration expenses takes the form of a percentage on expenditure. In one of the twenty-eight counties no allowance is granted to the delegatee authorities while the position varies in each of the remaining five counties, the individual arrangements being:—

- (a) Allowance granted is a percentage on expenditure, subject to a minimum annual payment.
- (b) Percentage on expenditure, subject to actual cost being paid if proved to be more than percentage allowance.
- (c) Fixed agreed sum plus a percentage on expenditure above £4,000 per annum.
- (d) Fixed agreed sum per mile of road.
- (e) Actual apportioned cost, based on an agreed formula.

The actual percentage allowances granted differ in the various counties and range from 3½% to 6% on approved expenditure on

maintenance work carried out by direct labour. In three counties such allowances are deemed to cover the cost of the use of tools. Generally, lower percentages apply to:—

- (a) Expenditure in excess of a stated sum per annum
- (b) Work carried out by contract
- (c) Works of major improvement

though, in the case of (b) and (c), no allowances at all are granted by some counties.

## OTHER MATTERS

Some items of a more general nature relating to the thirty-eight counties covered by the review are discussed briefly below:—

### (i) *Subsidiary functions relating to highways carried out by County District Councils*

Certain subsidiary functions, as under, relating to highways are performed on behalf of the county council by county district councils (even where “claiming” or delegation does not exist) in twenty-three (five large, seven medium, eleven smaller) of the thirty-eight counties:—

- (1) Street cleansing and gully emptying.
- (2) Snow clearing and gritting in frosty weather.
- (3) County bridges—minor repairs from time to time, undertaken in the capacity of “contractors”.
- (4) Traffic census work.
- (5) Provision of chainmen for survey work.
- (6) Traffic control signals—painting and occasional assistance with emergency maintenance work.
- (7) Cutting of grass verges and trimming of roadside trees.

### (ii) *District or Area Advisory Committees*

District or Area Advisory Committees exist in nine (four large, one medium, four smaller) of the thirty-eight counties. In six of these the Advisory Committees cover the whole area of the county, in two they cover the whole area of the county except for the areas of “claiming” and delegated authorities, and in one county (a large county in which delegation is made to one of the rural district councils) advisory committees exist for each of the fourteen rural districts in which county roads are not delegated. In the last mentioned county the committees are appointed by the respective rural district councils though in the other cases the practice is for all rural district councils to appoint representatives. In one

## THE DELEGATION OF SERVICES WITHIN COUNTIES

county only representatives are specifically appointed by non-county borough and urban district councils in addition to the representative of the rural districts.

In a number of the other counties similar arrangements, designed to secure the benefits of local knowledge, operate, illustrations of which are given below:—

- (1) District or Area Sub-Committees of the County Highways Committee are set up, on which members representing district councils may or may not be co-opted
- (2) Rural district councils act as rural district highways sub-committees of the County Highways Committee
- (3) Each rural district council has its own Highways Committee which acts in an advisory capacity
- (4) Representatives of county district councils are invited to meet the appropriate District or Area Sub-Committee of the County Highways Committee on points specifically affecting their districts, but have no vote and are not present for the remaining business of the sub-committee
- (5) A county council District Surveyor attends the meetings of the Highways Committee of the district councils to answer questions and to attend to complaints.

### (iii) *Delay in closing of Accounts and completion of Grant Claims*

Thirty-two of the thirty-seven counties where "claiming" and/or delegation operates experience delay in the closing of the annual final accounts and/or the completion of grant claims due to the exercise of highway functions by county district councils. In the case of the annual final accounts these are, if necessary, closed on the basis of approximate or estimated figures, but the completion of grant claims and their submission to the Ministry of Transport is delayed pending receipt of claims from "claiming" and delegated authorities, their audit, and the subsequent settlement of queries. In the case of one county the annual delay is stated to be so great that it is not found possible to submit the annual claim for classification grant to the Ministry of Transport until approximately fifteen months after the close of the financial year to which it relates.

## CHAPTER VIII

# Care of Deprived Children and Welfare of Aged and Handicapped Persons

There are practically no arrangements for the delegation of these services but the various counties were requested to give a brief description of the administrative arrangements in their respective areas.

Although the National Assistance Act, 1948, does not require a local authority to appoint a Welfare Services Committee it is the usual practice for this to be done. In three of the counties, however, the welfare services are dealt with by the Health Committee with delegation to Area Sub-Committees in the case of one large county.

Every local authority is required under Section 39 of the Children Act, 1948, to appoint a Children's Committee and it is the practice for sub-committees to be appointed to deal with particular aspects of the functions of a local authority under the Act of 1948 and the Children and Young Persons Act, 1933.

In the majority of the counties homes and hostels are grouped geographically and their day-to-day administration is in the hands of a Home or House Sub-Committee for each group of homes or hostels, meetings being held at monthly or six-weekly intervals. In other counties it is the practice to have a Central Sub-Committee, either with a visiting rota or periodical inspections by all members of the sub-committee. In two counties sub-committees of the Children's Committee are appointed to cover defined areas, and are responsible for the administration of Children's Homes, Boarded-out Cases and Parental Contributions. Two other counties have appointed Area Sub-Committees to deal with matters relating to the boarding out of children only.

The sub-committees dealing with Children and Welfare Services consist of members of the county council and, particularly in the case of the Children's Services, co-opted members comprising local residents who have special knowledge of and interest in the services administered and who, in many instances, are also members of county district councils.

## Some General Observations

Throughout the review an attempt has been made to present both a broad and a reasonably detailed picture of the extent of delegation in relation to each of the various county services in the thirty-eight selected counties, and to distinguish, where appropriate, between the counties falling within each of the three main groups, i.e., the large, the medium sized and the smaller counties.

The review has also sought to assess on broad lines but with reasonable accuracy, the extent to which the actual delegation arrangements for the different services conform to or differ from the specific suggestions made by the Local Government side of the Manpower Committee.

The task of presenting a summary of the overall position in the thirty-eight counties is, however, an exceedingly difficult one. It is obviously most important to illustrate the number of counties in which delegation operates, because it is in those counties that the principle of delegation has been accepted and applied. On the other hand, any general summary should be studied in the light of certain qualifications, such as those set out below:—

- (a) In many counties where delegation arrangements operate, such arrangements apply only over a limited part of the county, usually the areas of the larger county districts. This can be seen particularly in the case of the Education and Health services (Chapters III and IV). It is also evident in a somewhat different manner in relation to Highways, in that there is virtually no delegation to the rural county districts.
- (b) In a number of the counties falling within the medium and smaller county groups the degree of delegation which has been granted is relatively restricted.
- (c) The conception of what delegation of services really means differs considerably. In many counties, in all three groups, the delegation arrangements have obviously been designed and do, in fact, operate as an integral part of the county administration. It would, however, seem that in other parts of the country little or no executive powers have been conferred upon the delegatee bodies and they are permitted only to make recommendations on certain aspects of the services concerned or, at the most, to act in an advisory capacity over a rather wider field.

Subject to these qualifications and observations the following summary is of interest:—

GENERAL OBSERVATIONS

Service	No. of Counties in which some degree of delegation of county services operates				No. of Counties in which there is no delegation of county services			
	Large	Medium	Smaller	Total	Large	Medium	Smaller	Total
Local Health Services ... ..	10	9	11	30	1	4	3	8
Education .. ...	11	13	12	36	—	—	2	2
Town and Country Planning ... ..	11	13	14	38	—	—	—	—
Civil Defence ... ..	11	13	12	36	—	—	2	2
Highways (Delegation as distinct from "claiming")	10	8	10	28	1	5	4	10

Perhaps the general position could best be expressed by saying that in the majority of the thirty-eight counties a fair degree of devolution or delegation of the everyday responsibilities for the above services is operative. Throughout the larger counties the extent of delegation is considerable; it is rather less in the medium counties and relatively restricted in most of the smaller counties. There is some divergence of practice in deciding what functions are appropriate for delegation and considerable divergence in an interpretation of the term "day-to-day administration". There are also great differences in the administrative and financial machinery of delegation in the various counties, as distinct from the delegation of responsibility for the control or supervision of the services themselves.

It must not be overlooked that, in addition to the thirty-eight counties selected for investigation, there are a further twenty-three counties in England and Wales all of which have smaller populations. The review has shown that the degree of delegation is least throughout the smaller county group and it seems reasonable to assume that delegation in the remaining twenty-three counties is relatively slight except, perhaps, to certain of the larger county districts within their areas.

## THE PRINCIPLES OF DELEGATION

It now seems appropriate to consider in greater detail a few of the fundamental principles enunciated by the Local Government side of the Manpower Committee which are reproduced in the first chapter of this review. The extent to which certain of these principles have been observed generally in the delegation arrangements which are operative in the selected counties is summarised in the following paragraphs, and consideration is then given to some administrative matters. Brief comments have been made on certain aspects of delegation but it does not follow that any opinions expressed necessarily represent the views of the writer's own authority.

*"Where Delegation is regarded as a suitable method of Administration it should be elevated above the level of an expedient liable to misuse into a principle of Local Government designed to meet present and future needs under the existing law".*

It should be remembered that the Local Government side of the Manpower Committee have indicated that their proposals should

be regarded as constituting merely a short term policy, aimed at securing economy in the use of manpower and increased efficiency of local authority activities under the existing law. It seems to follow, therefore, that many of their proposals are themselves bound to be devices designed to make the best of existing conditions. The forms of devolution prescribed for the Education and Health services are admitted expressions of expediency and the *ad hoc* bodies known as Excepted Districts, Divisional Executives and Divisional or Area Health Committees owe their being to a marriage of disputation and compromise. As Miss Cohen has commented in relation to such bodies, "they came into being as a way out of a dilemma and this dilemma was the political necessity of carrying out radical measures of reconstruction following the 1939-45 war without first overhauling the structure of local government"\*\*\*

Despite this unpromising beginning the degree of delegation which operates in the Education and Health services, particularly in the larger counties, suggests that a real attempt is being made to evolve a form of devolution of responsibilities which will promote local interest and permit of local problems being first considered, if not always finally resolved, by local people. This general statement does perhaps need some qualification in the case of a few of the ten counties in which delegation has been granted to District Committees. In the majority of such counties there is little to distinguish such Committees from Divisional Executives. In the remainder, however, the restricted scope of the activities of District Committees suggests that they function as adjuncts to the county administration rather than as an integral part of local government.

In referring to these *ad hoc* bodies it is of interest to observe how the mere fact that elected representatives of neighbouring county district councils upon such bodies give consideration to matters affecting an area beyond that of their own county district results in their being made far more conscious of the needs and aspirations and local problems of their neighbours. This factor may be of some importance if, as seems possible, reviews of county districts pay particular regard to the creation of larger units of administration, as a precedent to the consideration of further delegation.

When one considers the services in relation to which delegation operates directly to the county districts it is clear that the principle and operation of such a procedure is now firmly established in highway administration. Time alone will show to what extent

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\*Emmeline W. Cohen. *Autonomy and Delegation in County Government*, page 3. Institute of Public Administration.



the delegation of Town and Country Planning and Civil Defence will become an established part of local government within the counties. In connection with the former service the whole question will need reviewing subsequent to the final completion of the county and town development plans. So far as Civil Defence is concerned the service is in the early stages of development and the counties themselves are not yet fully aware of the ultimate pattern of Civil Defence arrangements in their areas.

*“ There are certain services, principally those which affect the welfare of the individual, which cannot be administered successfully without local knowledge of individual circumstances and which are, therefore, best administered on a local basis ”*

It seems evident from a detailed investigation of the delegation arrangements which operate within the selected counties that this, of all principles, has formed the basis upon which the great majority of the schemes have been prepared. The differences in the various county schemes are of degree and of opinion only and while such differences are substantial they seem to arise from varying conceptions of what constitutes local knowledge and successful (and economical) administration. Quite apart from the very considerable knowledge which elected county members have of the areas which they represent or in which they reside, the administration of county affairs is inevitably less remote from the private individual in a small and reasonably compact county than can possibly be the case in a large densely populated county. This is probably a truism but it may go a long way to explain why, in many of the smaller counties, the need for delegation of county services because of the need for local knowledge has not the force which applies in a more urbanised, industrial and more densely populated administrative county.

Similarly, it may well appear to the smaller county council that the actual administration of certain of the more “ local ” county services can be performed with equal regard to the individual needs of the inhabitants by centralised arrangements which include co-option on to county committees and sub-committees as by a system of extensive delegation.

It may, therefore, be said that throughout the selected counties in which delegation of county services operate emphasis has been placed upon endeavouring to secure that the services which intimately affect the welfare of the individual are considered locally and by persons with local knowledge. In the smaller counties it does not follow that all of such services are necessarily *administered*

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on a local basis, though in the medium sized and larger counties the delegation arrangements provide for a substantial degree of responsibility for the day-to-day administration of the services.

*"Where delegation of a function is deemed appropriate, the degree of delegation should vary according to the individual function in question and also vary according to the characteristics of the county district concerned"*

This principle may best be considered in two parts. First is the nature of the individual function, and it is apparent from the schemes in operation that, in every county, an attempt has been made to consider each service, each sub-division of the service and the main administrative functions separately. As an illustration, it can be seen in relation to the Health service, that considerable delegation exists of the more local services, such as Infant Welfare Centres, Day Nurseries, Health Visiting, Vaccination and Immunisation and the provision of Domestic Help. On the other hand, the Ambulance and Mental Health services have evidently been adjudged more suitable for central administration in the majority of counties. The same picture is portrayed in each of the other services which have been considered. This supports the view which has previously been expressed that, in most counties in which delegation is operative, a genuine attempt is being made to incorporate it as an essential part of local government administration.

In considering the extent to which the degree of delegation varies according to the characteristics of the individual county districts, the information available does not justify so confident an assertion. It certainly is true to say that, in some counties, delegation of certain services has been granted to the larger county districts and withheld from the others. The following brief summary is illustrative of this. (The Education service has been excluded because of the special statutory position of Excepted Districts, though it should be noted that many Divisional Executives have been established with areas coincident with those of the larger county districts.)

### Health

In nine of the thirty counties in which delegation is operative, it has been granted to Divisional Committees operating over a part of the county only—principally the areas of selected county district councils.

## THE DELEGATION OF SERVICES WITHIN COUNTIES

- Planning In two counties, delegation has been granted to certain larger county districts only, the remaining parts of each county being covered by Area Committees.
- Highways In only four counties (out of twenty-eight in which delegation operates) is any delegation granted to rural district councils.
- Civil Defence In four counties delegation has been given to the larger county district councils only.

It is also true to say that in some counties a greater *degree* of delegation has been granted to the larger county district councils in connection with Town and Country Planning, Civil Defence and Highways because of their having adequate and suitable technical staff. These counties are in the minority, however, and generally there does not appear to have been any serious attempt made by county councils in drawing up their delegation schemes to have regard to other characteristics of county districts, such as geographical situation, in determining the degree of delegation to be granted.

There may be several reasons for this. In the first place, the delegation arrangements for Planning and Civil Defence are of recent origin and, in connection with the latter service, there is little that can be delegated at the present time, apart from the responsibility for recruitment and training. Secondly, the greatest scope for variation in the extent of delegation probably exists in relation to the Education and Health services and while the areas of certain county districts have been selected as Divisional Executive areas in various counties, the delegation is to *ad hoc* bodies rather than to county district councils as such. Experience has also shown that, in practice, the extent to which delegated powers can be exercised is likely to prove greater in those county districts with adequate resources and adequate staff than in the smaller districts where administrative staff is more restricted. This fact may be tacitly recognised both by the counties and the county districts themselves.

Of recent years there seems to have been an increasing tendency in some counties for the county district councils to conduct discussions with their county councils on matters of policy and principle through the media of county district councils' associations. This practice has a lot to commend it but it may inevitably, tend towards producing a greater degree of standardisation

of procedure. In those counties in which delegation arrangements are discussed through channels such as these, there is probably less likelihood of differentiation being made between one county district and another and the delegation schemes will tend to be of a uniform design on paper even though, in practice, variations between county districts may appear as services develop.

*“Expenditure must be based on estimates which must not be exceeded or departed from without the prior consent of the county council. Subject to this, estimates should be submitted by the district council in such form as to enable the county council to approve with the full knowledge of the purpose of the estimate, without further reference to the county council being needed before expenditure is incurred”*

With the exception of Town and Country Planning, in connection with which there is little or no financial delegation, it is a feature of most delegation schemes that the expenditure of the delegatee authorities must be within approved estimates. It should be noted, however, that in ten of the thirty counties in which delegation of certain Health services operates no divisional estimates, as such, are prepared and the spending power of the Divisional Committees is restricted to minor items or items specifically approved by the county council.

There is considerable divergence of practice in the preparation of both revenue and capital estimates, the power to incur expenditure without further reference to the county authority and the submission of supplementary estimates. A number of counties impose expenditure limits ranging from £25 to £1,000 in relation to any single item, particularly in the Education and Health services, while an understandable feature of Civil Defence delegation is to restrict expenditure as regards particular items to limitations imposed by any government department or by the county council in accordance with their general policy as indicated to county district councils.

It is necessary in this matter to have regard to the restrictions imposed upon county councils by Section 86 of the Local Government Act, 1933, which provides that no cost, debt or liability exceeding £100 shall be incurred except upon a resolution of the Council passed on an estimate submitted by the Finance Committee. In most counties an attempt is made to prepare the estimates of delegatee authorities in sufficient detail to comply with the requirements of the section and yet avoid the specific reference

of such items for the prior approval of the county council. This, however, is not always practicable when detailed estimates have to be prepared in October or November of the previous year. It is somewhat ironical to reflect that a statutory restriction which so obviously merits relaxation in regard to the amount specified should result in a variety of practices in the preparation of estimates for delegated services and a somewhat irritating restriction of powers in relation to comparatively small items of expenditure.

In considering the general question of the powers of a delegatee authority to incur expenditure within approved estimates it is also desirable to have regard to the fact that the services in question, with the exception of Highways, are new in many respects and that two of them—Education and Health—are being rapidly developed in various directions during a period of financial stringency. The county councils have a duty to ensure that the limited funds available are used to the best advantage over a wide area, in addition to which their policy on certain matters of principle is still in process of formation. This makes it all the more necessary that there should be the closest collaboration between the county authority and the delegatee bodies when estimates of expenditure are being prepared. In some counties the necessary consultations and discussions take place between the officers concerned at the stage when detailed draft estimates have been drawn up in a common form for submission to the different delegatee authorities. A comparison of such estimates and an indication of the policy of the county authority in various directions serves several purposes. The county officers become better acquainted with local needs and problems and with the details of the divisional or district council estimates while the officers in the different areas are able to view the problems and financial requirements of their authorities against the broader background of the county as a whole. Such consultations cannot fail to ensure greater uniformity of treatment of similar requirements in the various areas and go far to remove the necessity for detailed financial control by the county authority during the course of the coming year.

#### DELEGATION OF FINANCIAL ADMINISTRATION

In considering the extent to which the responsibility for the financial administration of the delegated services has been decentralised it might be appropriate to refer first of all to Town and Country Planning and Highways.

In connection with the former service there has been virtually no delegation of financial administration in the selected counties. Apart from a few isolated exceptions, all estimates and accounting records are prepared by the county authority and all bills are paid centrally.

The reverse procedure is applicable in the case of Highways and, where claiming and delegation arrangements operate, the county district councils have been made responsible for virtually all financial administration except the making of grant claims, subject to central guidance and control through the media of approved estimates, inspection and detailed audit. In connection with this service it is important to reflect that the delegation is to a local authority with established Highways and Finance departments, as distinct from a specially constituted *ad hoc* body ; it has been operative over a number of years and the administrative arrangements which now apply fairly generally throughout the country have evolved as a result of experience.

When one considers the Health, Education and Civil Defence services, however, it can be seen that there are considerable differences of practice in the counties concerned. This is particularly understandable in the case of Health and Education where *ad hoc* bodies in the form of Divisional Committees or Divisional Executives have been established, involving the setting-up of completely new administrative machinery.

A number of counties have distinguished between the delegation of the operation of the service, on the one hand, and the mechanics of administration, including the payment of accounts and salaries and the recording of financial transactions, on the other. Particularly is this the case where there exists a centralised system of accounting mechanisation and it can be seen that an extensive delegation of responsibilities for the operation of services in many of the larger counties is accompanied by a definite centralisation of accounting and other financial functions.

The exception to this general rule in the case of Health and Education applies where the area of the delegatee authority coincides with that of a county district council. In five counties in which the Divisional Health Committees operate over the area of a large county district, the accounts and salaries are paid locally and the detailed financial transactions of the Committee are recorded in the books of the district council and transferred to the accounts of the county council at the end of each financial year.

Similarly it can be seen from the summaries relating to Education

finance which appear on pages 61 to 65 that substantially all financial work is performed by Excepted Districts whereas, apart from the certification and coding of accounts and collection of income, the financial work performed by Divisional Executives is relatively restricted in the majority of counties.

This distinction between Divisional Health Committees and Divisional Executives focuses particular interest upon recent developments in connection with the delegation of financial administration for Civil Defence. Of the thirty-six counties in which delegation of this service operates to some degree, twenty-five have granted some financial delegation to the county district councils. In all these counties revenue estimates are prepared by the district councils in a uniform pattern prescribed by the county authority and expenditure may be incurred within such estimates subject to certain restrictions. The county district councils are responsible for the payment of accounts and while, in all counties, the final accounting records are maintained centrally, the detailed transactions are first recorded in the district councils' books and transferred to the accounts of the county council at the end of each financial year in fifteen counties. As previously mentioned, this is a service which may, unfortunately, be subject to speedy development but it would seem that even in its present restricted form the trend is towards a greater devolution of financial administration than applies to Divisional Committees in the case of the Health and Education services.

## THE EXTENSION OR RESTRICTION OF DELEGATION SCHEMES

With the exception of Highways, the introduction of delegation arrangements for the county services is of comparatively recent origin. It is, therefore, of some interest and importance to consider the extent to which amendments have been made in the various delegation schemes since first they became operative.

The position at the date of the review is summarised below :—

### *Health*

In one county there have been major extensions of the delegation arrangements since they were introduced in 1948. In six counties minor extensions have occurred. Three counties envisaged some degree of extended delegation in the near future. The extent of delegation has been slightly reduced in two counties in the light of experience.

*Education*

Five of the selected counties have made amendments to their original schemes of delegation. In all cases these took the form of an extension of powers to the delegatee authorities, chiefly in connection with Evening Institutes and the appointment of administrative staff.

In one of the larger counties, the Ministry of Education approved steps taken by the county council under the Ministry of Education "Economy" Circular No. 210, issued in October, 1949, to reduce materially the number of Divisional Executives. Similar action proposed by several other counties did not meet with the approval of the Ministry.

*Town and Country Planning*

The degree of delegation granted to county district councils has been extended in eleven counties since the respective schemes were first introduced. Three counties had the question of extension under consideration at the time of the review.

*Civil Defence*

The majority of delegation schemes have come into operation only during the past eighteen months but a supplementary enquiry recently issued revealed a tendency in some counties towards an extension of the arrangements originally envisaged, more particularly in connection with Basic and Advanced Training and the maintenance of local stores.

It will be seen that the general tendency in connection with the services mentioned has been for an extension of delegation in the light of experience gained since the original schemes were introduced.

No complete information is available of any more recent developments in the Education service subsequent to the receipt by Local Education Authorities of Ministry of Education Circular No. 242 issued in December, 1951, in which the Ministry requested authorities to review their internal administrative procedure and practice.

It is, however, known that in certain counties consideration is being given to a possible reduction in the number of divisional executives, or some modification of their functions, particularly in the latter respect, having regard to the intention of the Education Act, 1944, that the powers and duties of School Governors and School Managers should be increased. It is probably generally



agreed that certain improvements in the existing devolution arrangements could be effected even though different views may be held as to the manner in which any changes should operate. Many of these must await major amendments in the law and any general review of the structure of local government.

## THE PRACTICAL APPLICATION OF DELEGATION ARRANGEMENTS

Both theoretically and in practice, the successful administration of county services under delegation arrangements demands the utmost good faith between the county council and the delegatee authorities. It is perhaps a feature of both central and local government in these islands that any scheme of administration can be made to work and to work well despite inherent and evident defects in its framework. This is true of the delegation of county services, but the experience in those counties where delegation has been an integral part of the county and local administration for some years has shown how far more effective, satisfying and economical such arrangements can become if their introduction and operation are carefully considered, controlled and constantly reviewed in an atmosphere of mutual confidence and goodwill.

It may well be that, in the future, this particular aspect of the delegation of county services will be developed in a further research study or paper. It might, however, be appropriate in the concluding section of this factual review to make a brief reference to some practical matters which appear to be of importance.

### 1. *The drafting of a scheme of delegation*

The Boundary Commission recommended in their report for the year 1947 that there were two possible methods of framing delegation schemes. It might be done by a special body representing the county council and the county district councils, with an independent body being made responsible for resolving any differences. On the other hand, the schemes might be drawn up by an independent body in consultation with the county council and county districts. In either case the Boundary Commission were of the opinion that Parliament should decide whether the subject matter of a statute was, or was not, appropriate for delegation and that any general principles upon which delegation might be based should be laid down by regulations prepared centrally and approved by Parliament.

This latter procedure has indeed been the policy in recent years and while no special bodies have been established to draw up schemes of delegation, such schemes have been made increasingly subject to the approval of the appropriate government department. Reference has already been made to the trend in certain counties for the terms of draft delegation arrangements to be drawn up in consultations between the county council and associations representative of the various county districts within the county.

It has been found that difficulties invariably arise where schemes are drawn up in too broad a form. While a reference to the county authority being responsible for policy and finance may be appropriate as a preamble, a satisfactory delegation scheme will endeavour to enlarge in some detail on the latter point and also seek to define by reference to specific functions any generalisation such as the "day-to-day administration of the service". Experience has shown how clear thinking in the early stages and the avoidance of subsequent difficulties can be assisted by reasonably comprehensive drafting of the proposed arrangements. An extract from an actual scheme of delegation of the Local Health services may illustrate this point.

*Extract from a County Scheme of Delegation*

CARE OF MOTHERS AND YOUNG CHILDREN

Item	Area Control	Central Control
B. STAFF 1. Establishment.	(a) Recommendations as to establishment and as to rates of remuneration.	(a) Determination of establishment and rates of remuneration.
2. Appointment.	(a) All staff of Day Nurseries other than Medical Staff.	(a) All Medical Staff subject to consultation with the Area Committee on appointment of Area Medical Officer as such.
3. Payment of wages, salaries, emoluments and travelling expenses and reimbursement of minor items of expenditure.	(a) All above-mentioned staff except Medical Staff and Matrons and Deputy Matrons of Day Nurseries. Area Committees to account for all deductions and to furnish analyses as required to County Treasurer.	(a) All Medical Staff and Matrons and Deputy Matrons of Day Nurseries.
4. Transport in pursuance of duties.	(a) Recommendations as to means of transport for any particular district.	(a) Determination of means of transport and scale of allowances payable and securing priority delivery of motor vehicles and provision of loans for purchase where applicable.
5. Duties.	(a) Approval of detailed duties under the National Health Service Act, 1946 (and Acts amending or replacing the same) as required by the Area Medical Officer. In so far as the duties of nurses are concerned the requirements of the Area Medical Officer shall be made after consultation with the Supervisor for the Area concerned.	(a) Direction as to general scope of duties of professional and semi-professional staff.

6. Reliefs.

(a) Provision where considered necessary of relief staff for staff under Area Control who are temporarily absent for holidays, sickness or other causes.

(a) Provision where considered necessary of relief staff for staff appointed centrally who are temporarily absent for holidays, sickness or other causes.

7. Discipline.

(a) Investigation of cases of misconduct, technical inefficiency or failure to comply with the conditions of service on the part of staff appointable by the Area Committee with power to dismiss, reduce in appointment or suspend therefor.

(a) Investigation of cases of misconduct, technical inefficiency or failure to comply with the conditions of service on the part of staff not appointable by the Area Committee and subsequent action thereon, notice of decision to be given through the County Medical Officer of Health.

(b) The giving of notice to the person concerned of any such dismissal, reduction in appointment or suspension through the Area Medical Officer who shall notify the person concerned of the right of appeal to Central Authority within 14 days.

(b) Consideration of appeals by persons dismissed, reduced in appointment or suspended by the Area Committee with power to dismiss or uphold the appeal or substitute any alternative decision which the Area Committee could have made.

(c) Presentation of case against Appellant on hearing of Appeal and the giving of notice to the Appellant of the decision on appeal through the Area Medical Officer and implementation of that decision.

(c) Notification to Area Committee of decision on Appeal.

(d) The Area Medical Officer (or in his absence the Acting Area Medical Officer for the time being) may as a matter of urgency and pending a report to the Area Committee suspend any person appointable by the Area Committee.

(d) The County Medical Officer of Health may as a matter of urgency and pending a report to the Central Authority suspend any person not appointable by the Area Committee.

8. Training.

(a) To report from time to time through the Area Medical Officer as to suitability of staff for further professional training.

(a) To arrange courses of instruction when considered necessary and desirable.

*The operation of the delegation scheme*

In common with engines, cars, mechanised systems and many other adjuncts to modern civilisation, newly instituted delegation arrangements will not run themselves. If, by reason of initial impulse they do, it cannot automatically be expected that their progress will necessarily be on the right lines. It is found in practice that, particularly in the early stages, supervision and attention to principles, combined with understanding and an occasional oiling of the wheels will ensure that the machine proceeds at the appropriate pace and in the correct direction.

It may be difficult at first for the county members and officials to bring themselves to remember that certain matters are the primary responsibility of the local body. It may be equally difficult for the members and officials of the delegatee authority to remember that the county council has an ultimate responsibility for the administration of the service and that a local decision might have immediate repercussions in other parts of the county. Yet it is necessary for these and other factors to be borne in mind both in the county town and in the districts, if a proper pattern of satisfactory delegation is to be achieved.

Consequently the need for consultation and discussion is great in the early stages of the delegation of a county service and, when appropriate steps are taken, it is found that the ultimate advantages far outweigh the initial inconveniences and minor irritations. The same necessity arises, though possibly to a lesser extent, during the continued operation of the arrangements and it will already have been seen that the necessary personal contacts and discussions are maintained in a variety of ways such as the following :—

1. The appointment of county representatives on local Committees.
2. The co-option of local representatives on the appropriate county committees.
3. Regular conferences between the chairman of the county committee supported by a few other members and representatives of Divisional Committees or county district councils.
4. Regular meetings of the county and local officers.
5. The dissemination of information through the media of reports and minutes.

The last mentioned matter is a particular feature of divisional delegation as distinct from delegation to county district councils though it is found that there are certain variations in practice.

In the great majority of counties in which Local Health services are delegated, however, the minutes or reports of proceedings of the Divisional Committees are circulated to members and officers of the county committee. A similar procedure operates in connection with Education delegation in most counties, though the tendency in this service is for the central consideration of the minutes of Excepted Districts and Divisional Executives to be dealt with administratively.

Just as it is important that the decisions and recommendations of the delegatee authorities should be speedily communicated to the county council so it is essential that the former authorities should be immediately informed of decisions of the county authority. In connection with this the closest liaison between the various county departments concerned has to be maintained in order to ensure that sufficient copies of the appropriate communications are sent for the use of the delegatee authority's departments from one source only.

Even though the delegation arrangements may not provide for the automatic appointment of (say) the Chairman of the county committee on the divisional or local committee it is frequently found of advantage for the Chairman and appropriate county officers to be invited to attend local meetings when an expression of county policy or the views of the delegatee authority on certain matters can be made known and discussed.

It is considered right that when a delegatee authority are faced with a local problem the principle of which may, and probably does, affect other areas they should not hesitate to consult with and express their views to the county council in order that the opinions of other authorities may be obtained. Similarly circumstances may from time to time arise when it would be desirable for the county authority to defer coming to a decision on a matter of policy which affects the delegated services until they have ascertained the views of the delegatee authority. Possibly the terms of the delegation scheme do not *require* that such a procedure should be followed. On the other hand, the advantages to be gained from the adoption of such a course, either formally or by means of an informal conference, may be considerable.

It may be felt that the points to which reference has been made are of a routine and obvious character. This is indeed true but an observance of these elementary principles and a realisation that both the county council and the delegatee authority are engaged upon the same public service will, it is suggested, go a long way

towards fostering and maintaining that goodwill and mutual confidence which are so necessary a part of the successful delegation of responsibility.

*The revision of a delegation scheme*

Reference has already been made to the amendments, extensions or restrictions of delegation schemes which have been found desirable in certain counties in the light of experience. During the course of the investigation it was also found that the actual present day operation of many schemes differed considerably from what had been originally envisaged and set out in the formal scheme. This is understandable. The passage of time, changing circumstances and the development of services will of themselves affect administrative arrangements, while changes in the personnel primarily concerned with such arrangements may also result in amendments of procedure. It seems most desirable that delegation arrangements for each service should be stated to be subject to revision at regular intervals and that any periodical review should be undertaken by the county council in consultation with the delegatee authorities. Both types of authority will then know that their views and suggestions will receive appropriate consideration at an appropriate time and this, of itself, will assist in the successful operation of the scheme and avoid possible hasty or ill-conceived amendments at too frequent intervals.

The Boundary Commission suggested that schemes should be reviewed at the end of every ten years. This period might be felt to be too long for developing services such as Education or Health, even though it might well be appropriate for an established service such as Highways.

## CONCLUSION

The inherent defects of a factual review are fully realised. Much of the detail will possibly be of interest only to those whose main local government activities are centred on specific county services. Many readers will possibly regard the somewhat discursive character of this closing chapter as being inconsistent with a factual review of the subject of delegation. Others may feel that certain conclusions and recommendations as to the most appropriate form of delegation should have been neatly paraded for their inspection.

As to the first point, it can only be pleaded that the basis of the review and the considerable variations in practice within the

delegated counties have made accurate condensation extremely difficult. As to the form of this final chapter, some departure from the specific terms of reference must be admitted and sought to be excused on two grounds. In the first place it was felt that a change from the strictly factual method of presentation might be welcomed as an acceptable sweet following a rather heavy main dish. Secondly, an absorbing interest in delegation arrangements, combined with a not unnatural reaction to a lengthy period of summarisation of data, have prompted the expression of certain personal views, even though these are supported only by a somewhat limited experience of the subject.

With regard to the third point, an attempt has been made earlier in this chapter to summarise certain conclusions which might reasonably be drawn from the investigation. The general pattern is, however, not yet clear because many services and many schemes of delegation are still in their early stages of development. Some of the selected counties have progressed far with delegation of a number of county services, others are in the exploratory and experimental stages but have, nevertheless, accepted the principles of delegation in relation to those services. Certain counties have not, for a variety of reasons, seen fit to decentralise their arrangements except to a strictly limited extent. In the course of time many counties will embark upon a review of their county districts and possibly the question of delegation will assume a degree of importance in their considerations. The coming years may also witness the long heralded review of local government functions and areas in connection with which the question will, inevitably, arise.

So far as concerns any possible observations as to the most appropriate form of delegation arrangements or as to whether delegation should or should not be introduced, extended, or restricted, no comments have been made. It is desired to reiterate the writer's personal conviction that there can be no prescribed and rigid pattern for local government administration within the two tier system and that, in the matter of delegation, not only individual county services but the position within individual counties must be subjected to individual consideration.



## HISTORY OF DELEGATION

*Extract from the Memorandum presented by the Local  
Government Side to the Local Government Manpower  
Committee*

1. When county councils and district councils were first set up in their present form at the end of the nineteenth century county councils were given few powers (Local Government Acts, 1888 and 1894). The urban and rural district councils inherited the functions of the former sanitary authorities and were responsible for highways (excluding county bridges and in rural areas main roads), while borough councils in addition exercised a variety of functions bestowed by charter or related to their trading activities.
2. The field of decentralisation scarcely existed though the Local Government Act, 1888, Section 28, allowed a county council to delegate to a district council any powers transferred under the Act and the Local Government Act, 1894, Section 64, allowed a county council to "employ a district council as their agents in the transaction of any administrative business on matters arising in, or affecting the interests of, its own district". "Administrative business" would not appear to be a term which in any way restricted the delegation because it was in precisely the same term that the powers were vested in the county councils by Section 3 of the Local Government Act, 1888.
3. During the first quarter of the present century a number of new functions were conferred upon local authorities and about the same time the duties of the nineteenth century *ad hoc* authorities were also transferred to them (e.g., Education Acts, 1902-21, Housing and Town Planning Act, 1909, Town Planning Act, 1925, Maternity and Child Welfare Act, 1918, Ministry of Agriculture and Fisheries Act, 1919, Rating and Valuation Act, 1925, Local Government Act, 1929, Poor Law Act, 1930). As between county councils and district councils the functions were either separately conferred on one or the other, or were shared mainly on the basis of the councils of boroughs and urban districts above a certain size being the authorities for their boroughs and districts, while the county councils acted for the rest of the county (Town Planning—district

council ; Smallholdings—county council ; Education—shared between counties and urban authorities ; Maternity and Child Welfare—shared (notification of births authorities).) With few exceptions there was no delegation, and no occasion for it.

4. In 1929 the Local Government Act transferred certain highways functions from district councils to county councils, but made specific provision for delegation, either as of right by "claiming" or on case proved. Except for claimed roads it was strict delegation and was available to an extent which varied according to the size of the district council and the class of roads. The Local Government Act, 1929, placed upon county councils duties formerly performed by the old *ad hoc* authorities and specifically provided for devolution to sub-committees (Area Guardians committees) including district councillors from each county district council in the area of the committee, at the same time showing that devolution may concern district councils by groups while strict delegation can concern them only singly. Decentralisation was then well established as a feature of local government, and in 1933 the Local Government Act repealing Section 64 of the Act of 1894 gave county councils a general power of delegation to district councils in respect of any function for which the county council were not required to appoint a committee and for which there were no specific provisions for delegation.

5. The development in the years 1929 to 1933 was followed up by changes only in a few minor respects. It was clear that decentralisation was still not a major issue and had not developed into a theory of local government, largely no doubt because the changes which had been effected were not at the expense of county district councils.

More recently the scope of the county council functions has been extended in relation to county district councils, largely at the expense of the latter, but decentralisation or representation of county district councils on the county council committees is provided for in several instances in a variety of ways (Education Act, 1944, National Health Service Act, 1946, Town and Country Planning Act, 1947, Fire Services Act, 1947 (after interlude of N.F.S.), National Assistance Act, 1948, Children Act, 1948). County district councils, particularly the larger, claim delegation of functions which they previously exercised on the ground that they are well capable of administering them notwithstanding the change effected by Parliament. The great disparity in size, population and

resources of district councils had undoubtedly given rise to a disparity no less marked in relative efficiency and economy of administration.

6. It will be seen, therefore, that decentralisation does not appear to have been studied or applied as a principle in legislation. Sometimes it has been strictly applied as in the Local Government Act of 1929 ; at others it has taken the form of devolution as in the Poor Law Act, 1930 (Sections 4 and 5—Area Guardians committees). Several post-war statutes have enabled standing committees of county councils to appoint sub-committees consisting wholly of members of county district councils (National Health Service Act, 1946, Town and Country Planning Act, 1947, National Assistance Act, 1948). A statute passed at the end of the war (Education Act, 1944) provides for delegation to county districts of a certain type (excepted districts) or to divisional executives which include members of county district councils.

7. The history of decentralisation cannot be separated from the history of the allocation of major functions to county councils and county district councils. Hitherto each type of authority was entirely engaged upon its own functions and the question of decentralisation had not been important. Now that county district councils have been shorn of many major functions and county councils have become heavily laden, the whole structure of local government has undergone such a shift of balance that decentralisation, as the link between county councils and district councils, has become a much more important issue.

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## STATISTICS RELATING TO ADMINISTRATIVE COUNTIES IN ENGLAND AND WALES (EXCLUDING LONDON)

APPENDIX II  
(See page 15)

Country	Population (Preliminary Report of the Census, 1951)				Acreage		Rateable Value, 1st April, 1951					Estimated Product of Renny Rate, 1951-52.
	Boroughs	Urban Districts	Rural Districts	Total	Total	Number of Persons per Acre	Industrial and Freight Transport Hereditaments	Other Hereditaments	Crown Properties	Total	Per Head of Population	
I	2	3	4	5	6	7	8	9	10	11	12	13
Bedford ...	180,543	31,484	99,817	311,844	302,942	1.03	£ 98,340	£ 1,673,959	£ 92,182	£ 1,864,481	£ 8. d.	£ 7,522
Berkshire ...	90,484	5,089	193,190	288,763	454,725	0.64	37,094	1,785,213	257,878	2,080,185	5 19 7	8,288
Buckingham ...	132,129	61,039	192,996	386,164	479,411	0.81	182,161	2,583,066	126,322	2,891,549	7 4 1	11,443
Cambridge ...	81,463	—	85,400	166,863	315,168	0.53	17,892	956,670	73,788	1,048,350	6 5 8	4,155
Cheshire ...	307,071	328,094	189,273	824,438	622,808	1.32	246,063	5,014,343	156,026	5,416,432	6 11 5	21,557
Cornwall ...	96,554	91,248	155,645	343,447	864,126	0.40	56,665	1,709,684	69,978	1,836,327	5 6 11	7,400
Cumberland ...	53,506	32,829	131,118	217,453	967,054	0.22	50,441	892,234	118,599	1,061,274	4 17 7	4,105
Derby ...	139,784	221,460	323,828	685,072	635,456	1.08	222,212	3,410,790	68,007	3,701,009	5 8 0	14,412
Devon ...	116,371	150,070	247,378	513,819	1,649,206	0.31	53,307	3,360,799	110,117	3,524,223	6 17 2	14,225
Dorset ...	150,852	28,652	111,653	291,157	622,843	0.47	32,652	1,846,905	105,897	1,985,454	6 16 5	7,667
Durham ...	139,065	481,632	282,124	902,821	620,869	1.45	404,938	3,515,811	110,086	4,030,833	4 9 3	15,156
Ely, Isle of ...	17,430	37,119	34,489	89,038	239,950	0.37	11,284	298,571	12,193	322,048	3 12 4	1,296
Essex ...	927,043	444,873	227,968	1,599,884	959,463	1.67	432,912	10,683,274	295,676	11,411,862	7 2 8	45,810
Gloucester ...	68,115	73,316	287,638	429,069	773,310	0.55	115,346	1,961,394	202,808	2,279,548	5 6 3	9,057
Hampshire ...	231,798	126,895	281,408	640,101	931,809	0.69	73,149	3,944,837	549,587	4,567,573	7 2 9	18,237
Hereford ...	38,779	12,668	75,645	127,092	538,924	0.24	11,460	588,727	38,791	686,978	5 0 7	2,565
Hertford ...	154,591	276,507	178,637	609,735	404,523	1.51	190,515	4,555,493	119,592	4,865,600	7 19 7	19,635
Huntingdon ...	10,858	19,424	38,991	69,273	233,985	0.30	23,029	247,781	26,902	297,712	4 5 11	1,163
Kent ...	832,064	383,390	320,054	1,535,508	971,270	1.58	312,265	11,513,296	481,857	12,307,418	8 0 4	49,507
Lancashire ...	883,887	853,151	309,419	2,046,457	1,036,413	1.97	745,205	11,106,372	421,037	12,272,614	5 19 11	48,675
Leicester ...	34,731	126,997	184,104	345,832	515,398	0.67	93,286	1,549,899	69,844	1,713,029	4 19 1	6,626
Lincoln, Holland ...	24,453	14,439	62,653	101,545	267,849	0.38	7,601	366,136	8,183	381,920	3 15 3	1,473
„ Kesteven ...	34,304	12,382	84,880	131,566	463,490	0.28	24,453	463,188	88,164	575,805	4 7 7	2,288
„ Lindsey ...	94,931	56,031	158,562	309,524	961,434	0.32	102,948	1,277,439	97,605	1,477,992	4 15 6	5,918
Middlesex ...	1,574,005	694,771	—	2,268,776	148,691	15.26	865,377	21,078,886	633,101	22,577,364	9 19 0	91,707
Norfolk ...	30,618	41,432	302,169	374,219	1,302,501	0.29	37,847	1,290,028	117,807	1,445,682	3 17 3	5,804
Northampton ...	47,081	86,505	121,535	255,121	578,947	0.44	83,620	1,186,320	49,131	1,319,071	5 3 5	5,012
Northumberland ...	106,734	231,742	101,432	439,908	1,276,205	0.34	99,734	2,295,297	85,145	2,480,176	5 13 0	9,859
Nottingham ...	121,602	252,877	160,596	535,075	523,843	1.02	201,644	2,545,703	144,412	2,891,759	5 8 1	11,343
Oxford ...	32,479	14,309	130,302	177,090	470,757	0.38	17,451	748,589	148,511	914,551	5 3 3	3,650
Peterborough, Soke of ...	53,412	—	10,372	63,784	53,464	1.19	17,150	360,360	15,359	382,869	6 3 2	1,578
Rutland ...	—	3,537	16,973	20,510	97,273	0.21	4,165	86,852	24,628	115,645	5 12 9	459
Salop ...	84,722	54,827	150,295	289,844	861,800	0.34	30,820	1,200,693	187,746	1,419,259	4 17 11	5,654
Somerset ...	135,470	88,553	247,890	471,913	1,026,048	0.46	75,584	2,686,301	130,229	2,892,114	6 2 7	11,572
Stafford ...	290,829	349,836	214,519	855,184	685,503	1.25	237,990	3,323,222	210,228	3,771,440	4 8 2	14,835
Suffolk, East ...	56,494	38,893	121,674	217,061	548,608	0.40	29,211	1,033,833	60,467	1,123,511	5 3 6	4,482
„ West ...	26,659	17,369	76,562	120,590	390,916	0.31	12,872	475,449	56,737	545,058	4 10 5	2,173
Surrey ...	639,757	562,190	150,016	1,351,963	449,161	3.01	271,103	13,753,205	545,405	14,569,713	10 15 6	58,811
Sussex, East ...	112,718	66,230	159,388	338,336	499,780	0.68	39,005	3,462,276	40,672	3,541,953	10 9 4	14,209
„ West ...	91,165	80,024	147,472	318,661	401,940	0.79	29,103	3,116,837	58,483	3,204,423	10 1 1	13,000
Warwick ...	214,091	103,581	172,651	490,323	558,710	0.88	123,377	2,977,974	113,683	3,215,034	6 11 2	12,861
Westmorland ...	20,247	12,400	34,736	67,383	504,917	0.13	10,472	443,105	7,642	461,219	6 16 11	1,847
Wight, Isle of ...	40,510	37,155	17,929	95,594	94,146	1.02	13,304	693,745	26,186	733,235	7 13 5	2,908
Wiltshire ...	137,058	39,698	210,623	387,379	860,611	0.45	57,948	1,755,324	402,087	2,215,359	5 14 4	8,887
Worcester ...	191,882	88,929	119,927	400,738	438,221	0.91	75,236	1,829,656	143,490	2,048,382	5 2 3	7,954
York, East Riding ...	42,257	62,540	106,935	211,732	736,024	0.29	29,119	1,099,344	46,371	1,174,834	5 11 0	4,681
„ North Riding ...	101,073	103,321	173,766	378,160	1,354,391	0.28	68,627	1,991,474	204,764	2,264,865	5 19 9	8,993
„ West Riding ...	333,742	827,563	427,471	1,588,776	1,609,759	0.99	560,690	7,499,551	235,107	8,295,348	5 4 5	32,090
ENGLISH Counties excluding Monmouth...	9,325,411	7,727,071	7,632,103	24,684,585	31,304,642	0.79	6,536,667	152,239,905	7,388,510	166,165,082	6 14 8	662,549
Anglesey ...	2,128	17,349	31,160	50,637	176,694	0.29	3,072	194,696	8,207	205,975	4 1 4	810
Brecon ...	6,466	10,244	39,774	56,484	469,281	0.12	6,044	277,160	17,299	300,503	5 6 5	1,183
Caernarvon ...	36,175	35,016	52,883	124,074	364,108	0.34	16,506	625,913	10,932	653,351	5 5 5	2,558
Cardigan ...	14,620	2,320	36,327	53,267	443,189	0.12	705	166,162	6,510	173,377	3 5 1	700
Carmarthen ...	51,313	19,864	100,565	171,742	588,472	0.29	29,006	510,363	27,979	568,248	3 6 2	2,180
Denbigh ...	64,964	13,406	92,329	170,699	427,977	0.40	26,110	826,692	26,925	879,727	5 3 1	3,421
Flint ...	14,257	57,250	73,601	145,108	163,707	0.89	51,080	712,741	57,535	822,256	5 13 4	3,230
Glamorgan ...	118,363	416,214	201,860	736,437	468,799	1.57	228,897	2,697,982	135,890	3,062,769	4 3 2	11,452
Merioneth... ..	—	17,634	23,822	41,456	422,372	0.10	4,654	138,382	9,983	153,019	3 13 10	575
Monmouth ...	14,276	260,832	44,254	319,362	339,398	0.94	123,383	1,105,238	39,804	1,268,425	3 19 5	4,645
Montgomery ...	10,698	7,302	27,989	45,989	510,110	0.09	2,498	171,033	7,585	181,116	3 18 9	717
Pembroke ...	24,159	19,814	46,923	90,896	393,003	0.23	4,118	263,536	42,144	309,798	3 8 2	1,215
Radnor ...	—	6,341	13,657	19,998	301,165	0.07	1,311	193,257	1,431	195,999	9 16 0	804
WELSH Counties including Monmouth ...	357,419	883,586	785,144	2,026,149	5,068,275	0.40	499,184	7,883,155	392,224	8,774,563	4 6 7	33,490
ALL Counties ...	9,682,830	8,610,657	8,417,247	26,710,734	36,372,917	0.73	7,035,851	160,123,060	7,780,734	174,939,645	6 11 0	696,039

## GENERAL STATISTICS RELATING TO 38 SELECTED COUNTIES IN ENGLAND AND WALES

County	Population (Preliminary Census Report 1951)	Number of County Districts				Number of County Districts analysed on population basis				Total Population within each Group of County Districts in Group				Average Population within each Group of County Districts in Group			
		Boroughs	Urban Dis- tricts	Rural Dis- tricts	Total	Group 1	Group 2	Group 3	Group 4	1	2	3	4	1	2	3	4
						Up to 20,000	20,000 to 50,000	50,000 to 100,000	Over 100,000								
Large Counties (11)																	
Middlesex ... ..	2,268,776	15	11	—	26	1	5	10	10	17,163	157,861	666,228	1,427,524	17,163	31,572	66,623	142,752
Lancashire ... ..	2,046,457	26	68	15	109	71	34	4	—	718,304	1,100,826	227,327	—	10,117	32,377	56,832	—
Essex ... ..	1,599,884	13	19	11	43	23	9	6	5	261,083	290,473	418,653	629,675	11,351	32,275	69,776	125,935
Yorkshire, West Riding	1,588,776	11	57	21	89	66	20	3	—	786,787	641,265	160,724	—	11,921	32,063	53,575	—
Kent ... ..	1,535,508	23	15	18	56	28	21	7	—	321,830	716,593	497,085	—	11,494	34,123	71,012	—
Surrey ... ..	1,351,963	13	15	5	33	3	21	9	—	40,327	724,424	587,212	—	13,442	34,496	65,246	—
Durham ... ..	902,821	4	21	10	35	17	16	2	—	246,946	499,697	156,178	—	14,526	31,231	78,089	—
Staffordshire ... ..	855,184	8	17	10	35	17	17	1	—	216,676	568,480	70,028	—	12,746	33,440	70,028	—
Cheshire ... ..	824,438	9	24	10	43	28	14	1	—	306,271	465,752	52,415	—	10,938	33,268	52,415	—
Glamorgan ... ..	736,437	4	13	7	24	7	16	—	1	82,686	542,394	—	111,357	11,812	33,900	—	111,357
Derbyshire ... ..	685,072	4	16	9	29	18	8	3	—	231,072	233,856	220,144	—	12,837	29,232	73,381	—
Medium Counties (13)																	
Hampshire ... ..	640,101	9	6	11	26	9	16	1	—	114,432	467,423	58,246	—	12,715	29,214	58,246	—
Hertfordshire ... ..	609,735	4	19	11	34	21	12	1	—	223,866	312,797	73,072	—	10,660	26,066	73,072	—
Nottinghamshire ... ..	535,075	4	10	6	20	6	12	2	—	83,416	350,014	101,645	—	13,903	29,168	50,822	—
Devon ... ..	513,819	10	21	17	48	41	6	1	—	301,434	159,169	53,216	—	7,352	26,528	53,216	—
Warwickshire ... ..	490,323	6	3	9	18	8	8	2	—	111,316	256,622	122,385	—	13,914	32,078	61,193	—
Somerset ... ..	471,913	7	13	16	36	27	9	—	—	239,902	232,011	—	—	8,885	25,779	—	—
Northumberland ... ..	439,908	4	12	10	26	16	10	—	—	144,971	294,937	—	—	9,061	29,494	—	—
Gloucestershire ... ..	429,069	2	6	15	23	15	7	1	—	174,773	191,473	62,823	—	11,652	27,353	62,823	—
Worcestershire ... ..	400,738	7	4	8	19	11	7	1	—	125,328	221,515	53,895	—	11,393	31,645	53,895	—
Wiltshire ... ..	387,379	8	5	12	25	20	4	1	—	202,574	115,873	68,932	—	10,129	28,968	68,932	—
Buckinghamshire ... ..	386,164	4	8	8	20	13	6	1	—	104,532	215,193	66,439	—	8,041	35,866	66,439	—
Yorkshire, North Riding	378,160	4	10	20	34	28	6	—	—	200,733	177,427	—	—	7,169	29,571	—	—
Norfolk ... ..	374,219	2	10	15	27	21	6	—	—	207,582	166,637	—	—	9,885	27,773	—	—
Smaller Counties (14)																	
Leicestershire ... ..	345,832	1	9	9	19	13	6	—	—	133,337	212,495	—	—	10,257	35,416	—	—
Cornwall ... ..	343,447	12	8	10	30	24	6	—	—	193,400	150,047	—	—	8,058	25,008	—	—
Sussex, East ... ..	338,336	4	6	5	15	8	6	1	—	83,845	185,056	69,435	—	10,481	30,843	69,435	—
Monmouth ... ..	319,362	2	16	5	23	18	5	—	—	170,656	148,706	—	—	9,481	29,741	—	—
Sussex, West ... ..	318,661	3	5	6	14	8	5	1	—	101,784	147,502	69,375	—	12,723	29,500	69,375	—
Bedfordshire ... ..	311,844	3	5	4	12	7	3	1	1	68,223	80,186	53,065	110,370	9,746	26,729	53,065	110,370
Lincoln, Lindsey ... ..	309,524	3	9	9	21	17	3	1	—	168,663	86,616	54,245	—	9,921	28,872	54,245	—
Dorset ... ..	291,157	8	4	9	21	18	2	1	—	149,669	58,530	82,958	—	8,315	29,265	82,958	—
Salop ... ..	289,844	6	9	10	25	21	4	—	—	179,335	110,509	—	—	8,540	27,627	—	—
Berkshire ... ..	288,763	6	1	11	18	13	5	—	—	155,593	133,170	—	—	11,969	26,634	—	—
Northamptonshire ... ..	255,121	4	9	8	21	19	2	—	—	190,102	65,019	—	—	10,005	32,509	—	—
Cumberland ... ..	217,453	2	4	7	13	7	6	—	—	60,299	157,154	—	—	8,614	26,192	—	—
Suffolk, East ... ..	217,061	5	7	7	19	16	3	—	—	106,217	110,844	—	—	6,639	36,948	—	—
Yorkshire, East Riding	211,732	3	6	8	17	14	3	—	—	130,022	81,710	—	—	9,287	27,237	—	—
Totals ... ..		263	501	382	1,146	718	349	62	17	7,355,149	10,830,256	4,045,725	2,278,926				